NAB REPORTS

Vol. 2

The National Association of Broadcasters

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PHILIP G. LOUCKS, Managing Director

NAB REPORTS

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PLEASE PAY DUES PROMPTLY

The new schedule of NAB dues became effective on January 1, 1934. A statement explaining the new dues provision was sent to each NAB member along with a bill form for January dues. As was pointed out, January dues are based upon net sales of broadcasting facilities for the month of December. It is impossible to determine just how the new system of dues will affect the Association's income but under direction of the Board of Directors the returns will be carefully studied. Please give prompt attention to sending in the form and a check for January dues. Your cooperation will be greatly appreciated.

TUGWELL BILL GREATLY AMENDED

The Tugwell bill to revise the food and drugs act of 1906, in greatly amended form, was introduced in the Senate this week by Senator Royal S. Copeland, New York.

While copies of the bill are not yet available it is stated that the measure retains the consumer protection sought by Prof. Rexford G. Tugwell, but wide powers conferred by the author upon the Secretary of Agriculture have been drastically curbed:

References to "inference and ambiguity" in defining advertising offenses, written into the first draft by Prof. Tugwell to the indignation and vehement protest of publishers, have been eliminated, as have clauses regarding palliative medicines and provisions requiring full formula disclosure.

Committees on public health and food, appointed by the President, will pass upon regulations designed by the Secretary of Agriculture, whose powers, under the original version of the "brain trust" author, were denounced at the hearings as "dictatorial."

At the same time, another food and drugs bill, prepared by the National Drug Trade Conference, was introduced in the House by Representative Loring M. Black (Democrat), New York. This measure follows more closely the lines of the existing act.

A section of the Tugwell version, which was declared ruinous to advertising, reads:

"Section 6. A food, drug or cosmetic shall be decmed to be misbranded (a) if its labeling is in any particular false, or by ambiguity or inference creates a misguiding impression."

This section has been changed radically to read:

"Section 6. A food, drug or cosmetic shall be deemed to be misbranded (a) if its labeling is false or misleading; provided, that no drug shall be deemed to be misbranded under this paragraph by reason of any representation concerning any effcct of such drug which is supported by substantial medical opinion or by demonstrable scientific fact."

The revised draft provides that no publisher, advertising agency or broadcaster shall be guilty of violation by dissemination of false advertising, although a request for the address of the advertiser must be complied with.

An important addition to the measure authorizes the enforcement agency established by the bill to accept plans of representative advertising agencies for the self-regulation of advertising practices.

CODE AUTHORITY MEETING JANUARY 15

John Shepard III has called a meeting of the Code Authority for the Radio Broadcasting Industry for January 15. The meeting will be held in Washington. Chief among the matters to be considered are numerous interpretations of the code.

SHAW NAMED GOVERNMENT CODE ADVISOR

Harry Shaw, WMT, Waterloo, Iowa, former president of the National Association of Broadcasters, was appointed by General Johnson this week as one of the three government representatives on the Code Authority for the Radio Broadcasting Industry. The other two representatives have not yet been named, but Judge Eugene O. Sykes, chairman of the Federal Radio Commission, and William Farnsworth, assistant deputy administrator for the NRA, are being considered as possible appointees.

The Code Authority meeting will be held in Washington on January 15 and it is expected that the other two representatives will be named before that date.

Mr. Shaw's appointment carried White House approval. He has been active in Iowa NRA activities since last June and has won government commendation for his organization work in that state.

FIRST RADIO BILL INTRODUCED

Representative Huddleston, of Alabama, introduced the first radio bill at this session of Congress this week (H. R. 6227), which would make radio stations public utilities. The bill which is to amend the Radio Act of 1927 has been referred to the House Committee on Merchant Marine, Radio and Fisheries. It is, in full, as follows:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Radio Act of 1927 be amended by adding thereto sections 42 and 43, as follows:

"Sec. 42. The Federal Radio Commission shall permanently and exclusively have and perform all of the duties and functions imposed or conferred upon the Secretary of Commerce by section 5 of this Act.

"Sec. 43. The radio stations licensed under this Act, and which may be operated, directly or indirectly, in whole or in part, for hire or compensation, are declared to be public utilities and instrumentalities of interstate commerce, and shall, under such regulations, rules, practice, and supervision as may be adopted from time to time by the Federal Radio Commission, serve, transmit, and broadcast, without discrimination, for all who may apply for same, for a just and reasonable charge and compensation to be fixed and stipulated from time to time by the Federal Radio Commission: *Provided,* That radio stations operated by the United States, or by any agency thereof, shall be excepted from the provisions of this section."

SLANDER BILL IN MASSACHUSETTS

A bill making slander by radio a crime (HB 139) was introduced in the Massachusetts legislature at the request of the Secretary of State. The bill, which has been referred to the Joint Judiciary committee for consideration, reads as follows:

Section 1. Chapter two hundred and sixty-five of the General Laws, as appearing in the Tercentenary Edition thereof, is hereby amended by adding at the end thereof the following new section:

Section 34. Whoever falsely uses, utters or publishes words over, through or by means of what is commonly known as the radio, or whoever in control of a radio broadcasting station aids or abets in the using, uttering or publishing of such words, which in their common acceptance shall tend to impair the honesty, integrity, virtue or reputation of a person, or publishes the natural defects of one who is living, and thereby exposes him to public hatred, contempt, ridicule or financial injury, or whoever falsely by such radio accuses a public officer of a crime or malfeasance in office, shall be guilty of slander and shall be punished by a fine not exceeding one thousand dollars.

Section 2. Section thirty-six of chapter fifty-five of the General Laws, as appearing in the Tercentenary Edition thereof, is hereby amended by adding after the word "thirty-four A" in the tenth line the words: Violation of any provision of section thirty-four of chapter two hundred and sixty-five.

FACSIMILE HEARING FEBRUARY 21

The application of WTMJ, Milwaukee, for special experimental license for facsimile transmission on 620 kc., 12 midnight to 6 a. m., and not more than 3 consecutive minutes during the broadcast day will be heard before the Commission, sitting en banc, at 10 a. m., February 21, 1934.

WTMJ's application is the first of its kind to be received by the Commission.

CALL LETTER LIST FOR 1934

The Federal Radio Commission is preparing a mimeographed list of broadcasting stations in the United States. It is probable that copies of the list will be available for distribution to radio station licensees shortly after January 15.

Inasmuch as the Commission list will be available soon, no revision or supplement of the NAB call book, published in August, 1933, will be made at this time.

DENTAL ASSOCIATION ASKS AID

Cooperation of the NAB and the Federal Radio Commission in its effort to prevent broadcasting by individual dentists is being sought by the American Dental Association.

The subject was discussed at a recent conference attended by Dr. A. C. Wherry, president of the Association; Dr. C. T. Messner of the U. S. Public Health Service; Dr. C. Willard Camalier, trustee of the Association; Commissioner Harold A. Lafount; James W. Baldwin, NAB; and Philip G. Loucks, managing director of NAB.

Dr. Wherry pointed out that his Association had adopted a resolution condemning broadcasting by individual dentists and in a letter to the Federal Radio Commission had referred to this practice as "selfish, unprofessional and commercial." He agreed that the enforcement of ethics within the dental profession was a matter for his Association and state licensing bodies, but asked that the NAB and the Commission cooperate with the dentists of the country in protecting the public against the unethical dentist. Newspapers are also being asked to cooperate, he said.

While the resolution adopted by the Dental Association at its last annual convention was rather broad in scope it was aimed primarily at the "advertising dentists." "This is a problem," Dr. Wherry has pointed out in his letter to the Commission, "if not curtailed in its infancy, may develop into a serious situation, as it relates to the health of the people through the dental profession."

The Dental Association, it was pointed out, is not urging legislation or regulations on the subject but has chosen instead to work cooperatively with the broadcasters.

CHRISTMAS SEALS "BY SPECIAL PERMISSION"

The National Tuberculosis Association made an electrical transcription for broadcasting purposes and requested that stations use this transcription as a sustaining program to promote the sale of Christmas Seals. Victor Herbert music was used and stations pointed out that this music was restricted by the American Society of Composers, Authors and Publishers.

"We had a very difficult time securing in writing permission to use the Victor Herbert music and although I made quite an effort to avoid giving the copyright owners, M. Witmark and Sons, credit, we were forced to do so because they explained we were not paying for the privilege of using the Victor Herbert music," says S. M. Sharpe, business manager of the National Tuberculosis Association. "You probably know that this music is on the restricted list of the American Society of Composers, Authors and Publishers which requires an extra fee to be paid somebody.

"The recording of Dr. Vaughan's speech with the Victor Herbert music had been recorded after a verbal understanding that we would be permitted to use the music. It was not until after the record had been made that we reached the written permission with the restrictions outlined."

So, by special permission of the copyright owners the Christmas Seals were advertised.

SONG AUTHORSHIP IS DENIED

The United States Circuit Court of Appeals in a decision this week reversing a lower court decision, held that David Graves George is not the author of the song "The Wreck of the 97" for which damages had been sought for alleged unauthorized performance. Attorneys for George had made claims for damages against various broadcasting stations for unauthorized use of the song.

SECURITIES ACT REGISTRATIONS

The following companies filed registration statements with the Federal Trade Commission during the current week:

Trust Worthy Stores, Inc., Houston, Texas (2-530).

Lebel Lode, Ltd., Gravenhurst, Ontario, Canada.

O'Sullivan Rubber Company, Inc., Winchester, Va. (2-532).

The Mengel Company, Louisville, Ky. (2-533).

Same (2-534).

Bondholders' Protective Committee for Worcester Investment Trust, Boston, Mass. (2-535).

Consolidated Funds Corporation, Wilmington, Del. (2-536).

Noteholders Protective Committee, Richmond, Va. (2-537).

Oyster Harbor, Inc., Boston, Mass. (2-538).

Green Bay Building Corporation Readjustment Committee, Green Bay, Wis. (2-539).

APPEALS COURT DISMISSES RADIO CASES

The Court of Appeals of the District of Columbia has dismissed the appeal of Station WBBM, Chicago, at the request of the appellant, against the decision of the Radio Commission granting Station WGN 50,000 watts power.

The same Court has also handed down a final mandate in the appeal of Station WGN against the decision of the Commission granting Stations KFAB and WBBM permission to synchronize. The stations, which have been held up in this synchronization work, may now go ahead.

KGDE LICENSE RENEWAL RECOMMENDED

Herbert H. Fette asked the Radio Commission for authority to erect a new broadcasting station at Meriden, Minn., to use 1310 kilocycles. He sought the facilities of Station KGDE, Fergus Falls, Minn. In Report No. 534 this week Ralph L. Walker (e) recommended that the Commission deny the application of Fette and that the license of Station KGDE be renewed.

The Examiner found that the evidence does not show that there is any substantial need for radio service in the Meriden area "nor does it appear that there is sufficient program material available to permit applicant to render a desirable service. Certainly the showing made by the applicant in support of his request is not sufficient to warrant the granting thereof at the expense of curtailing the facilities of Station KGDE."

RADIO COMMISSION ANNUAL REPORT

The annual report of the Federal Radio Commission will be made to Congress sometime next week. It is understood that no recommendations are made for legislation by the Commission and that the report is simply a rehearsal of what has transpired during the past year.

RADIO-NEWSPAPER ADVERTISING SURVEY

The Creighton University is making a study of KOIL advertising and newspaper advertising in Omaha. The purpose of the survey is to show that a fifteen-minute program is worth a certain amount of newspaper circulation. John M. Henry, manager of KOIL, would like to hear from any stations that have had experience with similar surveys. He may be addressed at KOIL, Council Bluffs, Iowa.

WEEI BOASTS SERVICE RECORD

Data from the operating log book of Station WEEI, Edison Company of Boston, Mass., reveals, for the calendar year 1933, a sum total of 23 3-4 minutes in transmitter outages, according to officials of the company, who are unstinting in their praise of the work of the operating staff.

Station WEEI was on the air a total of 6,194 hours and 14 minutes in 1933, or a daily average of 17 hours. In other words, the hazard of mechanical failure, together with possible interruption due to an "Act of God," such as lightning or sleet storm, resulted in an average interruption of broadcast service for the year of less than two minutes per month.

"Causes of failure which are identified in detail include fuse and resistance failures as well as a two-minute interruption caused by lightning," WEEI officials state. "It is also interesting to know that one of the interruptions was of 12 munites' duration, more than half the outage total for the year."

BROADCASTING IN THE UNITED STATES

Copies of the book, "Broadcasting in the United States," containing debate material on the question of American vs. British operation and control are available to members of the NAB at no cost. If you have requests for debate material forward such requests to NAB headquarters, National Press Building, Washington, D. C.

A DECADE OF RADIO ADVERTISING

"A Decade of Radio Advertising," a book containing a vast amount of useful commercial and program data on broadcasting in the United States written by Dr. Herman S. Hettinger, University of Pennsylvania, may be purchased from NAB Headquarters, National Press Building, Washington, D. C., at the cost price of $3.00 plus postage. Every broadcasting station and every public library should have a copy of this excellent work on broadcasting in the United States. If you have not ordered a copy of this book, please do so at once. The supply is limited.

NEW TRADE COMMISSION CHAIRMAN

The Federal Trade Commission has designated Commissioner Garland S. Ferguson, Jr., as its chairman for the year 1934, to succeed Chairman Charles H. March. Mr. Ferguson's new term as chairman begins January 1 under the Commission's rotation policy, which provides that commissioners shall serve as chairman for one year in the order of their seniority.

GOVERNMENT BUSINESS CENSUS

As part of the nation-wide program to take men and women from the unemployment rolls and give them temporary positions in connection with worth-while projects, the Bureau of the Census will take a Census of American Business beginning January 2, 1934, with funds furnished by the Civil Works Administration.

Approximately 16,000 supervisors and enumerators will be employed in every section of the United States. The census will furnish employment to approximately one person for every 140 business establishments in the country. It is expected to canvass more than 2,400,000 establishments. All establishments engaged in retailing, wholesaling in its various forms, service businesses of all kinds, amusement businesses and hotels, will be covered. Agriculture, manufactures, construction and professional and personal services will be excluded.

Director of the Census William L. Austin respectfully requests the cooperation of all Retail, Wholesale and Manufactures Associations, and the Retail and Wholesale publications, because this census will not only furnish considerable employment, but it will present to business men and government agencies a true picture of the condition of business, and an accurate comparison with the 1929 Census of Distribution. It will, in the opinion of Mr. Austin, furnish a most complete and important guide for sound planning in the future.

AAAA ISSUES NEWSPAPER DATA

The third of four sections of Market and Newspaper Statistics, Volume II, compiled under the direction of the Committee on Newspapers of the American Association of Advertising Agencies, has just been published, according to an announcement by Frederic R. Gamble, Executive Secretary of the Association.

Section C deals with the forty-seven cities with 100,000 population or over in their city zones for which A. B. C. newspaper audit reports were issued for the year ended March 31, 1933. It includes figures on population, number of families, English reading and income tax returns, newspaper circulations, local rates, national rates, linage, differential between local and national rates, and an estimate of circulation obtained through use of inducements.

The purpose of these studies is to make more readily accessible and usable certain selected data to aid media buyers in determining the following:

(1) The size and character of markets as indicated by population, families, percent English reading and income tax returns.

(2) The cost of reaching these markets with newspapers, including comparison between markets.

(3) The differential between local and national rates.

(4) The amount of circulation obtained through inducements.

It is intended to issue later Section D covering cities having audits for periods ended June 30, 1933.

Copies of Section A or B are available at $2.50 each and Section C at $5.00. Address AAAA, 420 Lexington Avenue, New York, N. Y.

FEDERAL RADIO COMMISSION ACTION

HEARING CALENDAR

Monday, January 8, 1934

NEW—John L. Hopkins, Hammond, Ind.—C. P. **1360 kc.,** 1 KW, share with WGES. (Facilities formerly assigned WJKS.)

WSBC—WSBC, Incorporated, Hammond, Ind.—C. P. to move station from Chicago to Hammond, Ind. **1360 kc.,** 1 KW, 1¼ KW, LS. Share with WGES. (Facilities formerly assigned WJKS.)

WHBY—WHBY, Incorporated, Green Bay, Wis.—C. P. **1360 kc.,** 1 KW. Unlimited time. (Facilities formerly assigned WJKS and facilities of WGES.)

WFBM—Indianapolis Power & Light Co., Indianapolis, Ind.—Modification of license, **1230 kc.,** 1 KW, unlimited time. (Facilities of WSBT.) Present assignment: **1230 kc.,** 1 KW, specified hours.

WSBT—South Bend Tribune, South Bend, Ind.—Renewal, **1230 kc.,** 500 watts, specified hours.

WBOW—Banks of Wabash, Inc., Terre Haute, Ind.—C. P. **1360 kc.,** 500 watts, 1 KW LS, unlimited time. (Facilities of WGES.) Present assignment: **1310 kc.,** 100 watts, unlimited time.

WGES—Oak Leaves Broadcasting Station, Chicago, Ill.—Renewal, **1360 kc.,** 500 watts (1 KW, L. S. Sundays). Share with WJKS.

Wednesday, January 10, 1934

Hearings Before Commission en banc

WIS—Station WIS, Incorporated, Columbia, S. C.—C. P., **1050 kc.,** 2½ KW, 5 KW, LS, unlimited time. Present assignment: **1010 kc.,** 500 watts, 1 KW, LS, unlimited time.

KNX—Western Broadcast Co., Los Angeles, Calif.—Modification of license, **1050 kc.,** 50 KW, unlimited time. Present assignment: **1050 kc.,** 25 KW, unlimited time.

Friday January 12, 1934

NEW—The State Journal Company, Lansing, Mich.—C. P., **1210 kc.,** 100 watts, 250 watts, LS, unlimited time.

(NOTE: This case was reopened only to permit applicant to introduce in evidence an amendment to its articles of incorporation, as to its authority to own, operate and control, under a Federal license, a radio broadcast station.)

APPLICATIONS GRANTED

First Zone

WARD—United States Broadcasting Corporation, New York City—Granted extension of authority to operate with reduced power from January 1 to January 6.

WOV—International Boradcasting Corp., New York City—Granted authority to install automatic frequency control. Also granted renewal of license; **1130 kc.,** 1 KW daytime.

WSVS—Elmer S. Pierce, Principal Seneca Vocational High School, Buffalo, N. Y.—Granted special temporary authority to operate from 8:15 to 9:30 p. m., EST, on Monday evenings, January 8, 15, 22 and 29, 1934.

WCAD—St. Lawrence University, Canton, N. Y.—Granted authority to operate from 10 a. m. to 12:30 p. m., and from 4 to 4:45 p. m., January 15.

Second Zone

WJBK—James F. Hopkins, Inc., Detroit, Mich.—Granted special temporary authority to operate from 8 to 9 p. m., EST, on January 4, 7, 11, 14, 16, 18, 21, 25, 28 and 30, 1934; provided WIBM remains silent.

WIBM—WIBM, Inc., Jackson, Mich.—Granted special temporary authority to sign off at 7 p. m., CST, instead of 8 p. m., on January 4, 7, 11, 14, 16, 18, 21, 25, 28 and 30.

WLAP—American Broadcasting Corp. of Ky., Louisville, Ky.—Granted C. P. to move transmitter to Lexington, Ky., and change frequency from **1200** to **1420 kc.** Also granted authority to discontinue operation until April 15.

Third Zone

WGST—Georgia School of Technology, Atlanta, Ga.—Granted C. P. to make changes in equipment and increase day power from 500 watts to 1 KW.

WNRA—Kathryn Jones, Muscle Shoals City, Ala.—Granted license covering erection of new station. **1420 kc.,** 100 watts, daytime.

WBRC—Birmingham Broadcasting Co., Inc., Birmingham, Ala.—Granted extension of special temporary authority expiring January 6, to operate station until April 1, pending action on involuntary assignment of license.

WTJS—The Sun Publishing Co., Inc., Jackson, Tenn.—Granted permission to operate station without frequency monitor until February 1, so that monitor may be returned to manufacturer for recalibration.

WACO—Central Texas Broadcasting Co., Inc., Waco, Tex.—Granted special temporary authority to operate from 10:30 to 11:15 p. m., CST, on January 30.

WHET—Troy Broadcasting Co., Troy, Ala.—Granted authority to operate January 5 from 7 to 9 p. m., CST, in order to broadcast NRA speech.

KGHI—Loyd Judd Co., Little Rock, Ark.—Granted C. P. to move transmitter locally from Marion Hotel, to 319 W. 2nd St., Little Rock.

WPTF—WPTF Radio Co., Raleigh, N. C.—Granted special exp. authority to operate simultaneously with station KPO until 8 p. m., PST, until January 31, 1934. (Normally licensed limited time.)

Fourth Zone

WHAD—Marquette University, Milwaukee, Wis.—Granted consent to voluntary assignment of license to WHAD, Inc. (Commissioner Lafount voted for hearing.)

KFDY—South Dakota State College, Brookings, S. Dak.—Granted special temporary authority to operate from 8:30 to 9 p. m., CST, on January 8, 1934, to broadcast basketball game, provided KFYR remains silent.

WMBH—W. M. Robertson, Joplin, Mo.—Granted special temporary authority to operate from 2:30 to 3:30 p. m., CST, Sunday afternoons, January 7, 14, 21 and 28, 1934; and from 9:30 to 10 p. m., CST, Saturday evenings, January 6, 13, 20 and 27.

WSUI—State University of Iowa, Iowa City, Iowa—Granted special temporary authority to operate from 10 p. m., CST, January 12, 1934, to 1 a. m., CST, January 13, 1934.

Fifth Zone

None

SET FOR HEARING

WDEL—WDEL, Inc., Wilmington, Del.—Modification of license to increase night power from 250 to 500 watts.

WHAT—Independence Broadcasting Co., Inc., Philadelphia, Pa.—Modification of license to change hours of operation from sharing with WTEL, 1/3 time, not to operate when WCAM is operating to unlimited time, if WTEL vacates **1310 kc.,** not to operate when WCAM is operating.

WESG—Cornell University, Elmira, N. Y.—Renewal of license set for hearing, and station granted temporary license pending Commission's action on renewal application.

NEW—Brooklyn Daily Eagle Broadcasting Co., Inc., Brooklyn, N. Y.—C. P., **1400 kc.,** 500 watts, unlimited time (facilities WBBC, WLTH, WARD and WVFW). Also denied petition of Brooklyn Daily Eagle Broadcasting Co., Inc., asking that the Commission instruct its Examiner to hold up his report on the pending applications of the four Brooklyn stations until hearing is held on the application of Brooklyn Daily Eagle Broadcasting Co., Inc., and that the Examiner be authorized to consolidate all of said applications into one case.

NEW—The Journal Co. (The Milwaukee Journal), Waukesha, Wisc.—Special experimental license; **620 kc.,** 2½ KW, 1 KW night; emission high speed facsimile. Time of operation from 12 midnight to 6 a. m., and not more than 3 minutes at one time during broadcast day. To be heard before the Commission en banc February 21.

ORAL ARGUMENT GRANTED

The Commission, sitting en banc, will hear oral argument on January 17, 1934, on Examiner's Report No. 527, involving the applications of WOKO, Inc., Albany, N. Y., WHEC, Inc., Rochester, N. Y., and WCAH, Columbus, Ohio.

APPLICATIONS DISMISSED

The following applications, heretofore set for hearing, were dismissed at request of applicants:

WJJD—WJJD, Inc., Mooseheart, Ill.—Special authority to operate each evening until 8:30 p. m.

KRMD—Radio Station KRMD, Inc., Shreveport, La.—Modification of license, **1310 kc.,** 100 watts unlimited time. (Facilities KWEA.)

WSMB—WSMB, Inc., New Orleans, La.—Modification of license, **1320 kc.,** 500 watts, 1 KW, LS, unlimited time. (Facilities KWEA.)

NEW—Fred W. Christian, Jr., and R. W. Whiston, Norco, Calif.—C. P., **1230 kc.,** 500 watts, unlimited time.

NEW—WBEN, Inc., Buffalo, N. Y.—C. P., **43000 to 46000,** etc., 20 watts.

RATIFICATIONS

WHAM—Stromberg Carlson Tel. Mfg. Co., Rochester, N. Y.—Granted license, **1150 kc.,** 50 KW, unlimited time.

KFOR—Cornbelt Broadcasting Co., Lincoln, Neb.—Granted C. P. to move transmitter locally in Lincoln.

KROW—Educational Broadcasting Corp., Oakland, Calif.—Granted license to cover C. P., **930 kc.,** 500 watts night, 1 KW day, sharing with KFWI.

WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.—Granted C. P. to make changes in equipment.

KUOA—KUOA, Inc., Fayetteville, Ark.—Granted license, **1260 kc.,** 1 KW, daytime.

KTFI—Radio Broadcasting Corp., Twin Falls, Idaho—Granted C. P. to move transmitter and studio locally. (Action taken December 27.)

KUSD—University of South Dakota, Vermillion, S. Dak.—Granted special temporary authority to remain silent from December 20 to January 4.

APPLICATIONS RECEIVED

WKZO—WKZO, Inc., Kalamazoo, Mich.—Special experimental authorization to operate with 500 watts power from local sunset to 12 midnight for period ending March 1, 1934.

WHBL—Press Publishing Co., Sheboygan, Wis.—Construction permit to make changes in equipment.

KGIZ—KGBX, Inc., Springfield, Mo.—License to cover construction permit authorizing move of station to Springfield, Mo., change of frequency to **560 kc.,** power to 500 watts, daytime.

KGIX—J. M. Heaton, Las Vegas, Nev.—Modification of construction permit local move and changes in equipment to extend date of completion from January 1, 1934, to March 1, 1934.

NEW—William R. Lowery, San Francisco, Calif.—Construction permit to erect a new station to operate on **930 kc.,** 500 watts, S-KROW. (Facilities formerly assigned KFWI.)

Application Returned

WBRC—Frank M. King as Receiver of the Birmingham Broadcasting Co., Inc., Birmingham, Ala.—Consent to voluntary assignment of license to Birmingham Broadcasting Co., Inc.

The National Association of Broadcasters

NATIONAL PRESS BUILDING ★ ★ ★ ★ ★ WASHINGTON, D. C.

PHILIP G. LOUCKS, Managing Director

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NAB MEMBERSHIP MUST GROW

The Code of Fair Competition for the Radio Broadcasting Industry provides that the Code Authority must at some future date recommend a permanent form of Code Authority for administration of tbe Code.

If the purpose of self-enforcement is to be subserved, the National Association of Broadcasters must become the administrative agency. The National Recovery Administration, although finding that the Association imposes no inequitable restrictions on membership, refused to repose administration in tbe NAB for the sole reason that less than half of all licensed stations were in membership. The NRA gave weight to the fact tbat the members of the NAB handled more than 80 per cent of all broadcast advertising, but this was not enough.

Tbe advantages of self-enforcement are: (1) the industry enforcement macbinery can be made an agency for education as well as punishment; (2) it prevents outside interference; (3) it will be well disposed and friendly; (4) it will not be arbitrary or bureaucratic.

The Government recognizes that it is going to enforce codes unless industry seizes its opportunity and sboulders itself the responsibility for enforcement.

For broadcasters to assume self-enforcement of the broadcasters' code the NAB must bave a total membership of at least 400 stations by next spring. The membership today is nearing the 300 mark. Tbis means tbat 100 new members must be signed up witbin the next few months.

It is up to every NAB member to point out to non-members the desirability of self-enforcement of the code. The NAB must not fail in its task of completely organizing the broadcasters. It is no longer a question of desirability of organization; it is a question of necessity.

COMMUNICATIONS BILLS LOOM

As tbe result of a conference held this week it is expected that radio legislation soon will be introduced in Congress along the lines of a Communication Commission. While no official statement has been made, tbere is strong indication that this is in accordance with the ideas of President Roosevelt.

Secretary of Commerce Roper, chairman of the Interdepartmental Communications Committee, called the conference, and those attending included Senator Dill of Washington, Representative Rayburn of Texas, Dr. Splawn, and General Charles McK. Saltzman.

Following the conference Secretary Roper stated that it had been called to acquaint the members of Congress who are chairmen of the Senate and House Committees having jurisdiction over radio witb the report of the Roper committee whicb was submitted to the President some weeks ago.

Secretary Roper said that generally the two members of Congress were in accord with the report submitted. Both Senator Dill and Mr. Rayburn, it is understood, said that they preferred to initiate their own radio bills and it is expected that this will be done soon, to be followed by extended hearings on the subject. The bills, it bas been indicated, will be along the lines of the report.

Secretary Roper's Communications Committee, at the request of the President, will continue its investigation work with special reference to broadcasting, and this, it is reported, at the special request of the President. The information will be submitted to tbe President and be available to tbe Congressional committees at tbe proper time.

LET'S ALL PULL TOGETHER

The theory underlying the National Industrial Recovery Act is that industry will organize itself for the purpose of self-regulation.

In radio broadcasting, limited to 585 stations, that means in one strong central organization is required.

During the past several weeks there have been ill-advised attempts to undermine the national structure and divide the industry against itself. Should any of these attempts succeed the consequences would be disastrous. No one not familiar with the many problems wbicb confront the industry today can accurately appraise the necessity for maintaining a united front. Never before were there greater advantages in organization. The NAB pleads with every member for his loyal cooperation in building up membersbip on one hand and averting defection from the ranks on the other.

SYKES PROMISES ONE-YEAR LICENSES

Appearing before the House Appropriations Committee, Judge Eugene O. Sykes, chairman of the Federal Radio Commission, said the Commission has been considering the extension of broadcast licensing terms.

The NAB has consistently fought for longer license terms and has urged the Commission to grant the full statutory period of three years to stations.

Congressman Woodrum of Virginia, chairman of the subcommittee holding the hearings, asked Judge Sykes if the Commission is "still licensing stations for 60 days and 6 months."

"Six months for broadcasting stations; yes, sir," Judge Sykes replied.

"You are still doing that?" Woodrum asked.

"Yes, sir. We are considering now whether to extend that for a longer period of time. Commercial licenses are for 1 year, and broadcasting is for 6 months," Judge Sykes replied.

"That requires a great deal of work on the part of the Commission, going over those things every time, does it not?" he was asked.

"Yes, sir; that is true," Judge Sykes said. "Just as soon as we think the time is propitious we will probably extend for 1 year the licenses of broadcasting stations. We have been trying to work up to that point for some time."

THE SUBJECT OF DUES ONCE MORE

It is always a distasteful task to mention dues in these bulletins. But the new system of dues has produced less revenue than had been anticipated. Whether the system will prove adequate or not—despite expense curtailment—remains to be seen. One thing is certain, the NAB cannot further curtail its operations without seriously sacrificing its effectiveness. At any rate, the new dues schedule will be given an adequate test in practice and you are urged again to give prompt consideration to the payment of January dues.

FRIDAY MEETING POSTPONED

The members of the Federal Radio Commission have been hearing testimony in the application of Station WIS, Columbia, S. C., for full time on the clear channel of 1050 kilocycles, now assigned to Station KNX, Los Angeles, Calif., and for that reason postponed the usual Friday meeting.

DEPRECIATION RATES STUDIED

Information requested by the Internal Revenue Bureau for the purposes of formulating a schedule of depreciation rates for broadcasting station equipment is now being compiled by E. M. Elkin, KDKA, chairman of the NAB Tax Committee, and the Managing Director. A meeting was held in Pittsburgh last Sunday and another meeting to finish the report is scheduled for New York Tuesday. The Bureau is urging haste, and it is expected the report will be filed next Wednesday.

BANKERS CODE LIFTS RESTRICTIONS

The Banking Code Committee representing the American Bankers Association has issued a memorandum removing the prohibition against radio advertising which was contained in the Manual for Regional Bankers NRA Committees.

This provision was made the subject of a protest filed by Philip G. Loucks, Managing Director of the National Association of Broadcasters, with the National Recovery Administration.

"This was not the intention of the Banking Code Committee, and we feel certain that the majority of bankers will correctly construe the reference in the Manual on the subject of advertising media," Frank W. Simmonds, secretary of the Banking Code Committee, stated in a memorandum to secretaries of state bankers associations and clearing house associations. "On the other hand, it of course does not lie within the proper province of the Banking Code Committee to say to banks that they shall use any particular media. This is a matter which must in each instance be decided by the individual bank or by the local clearing house group which under the terms of the Code are permitted a very wide latitude in self-government while being required to adhere to the fundamental principles of the Code. In any event, please be advised that the reference in the Manual for Regional Bankers NRA Committees should not be construed as banning the use of calendars and other legitimate advertising media by banks."

LEGISLATURES ADJOURN

The 1933 regular session of the New Jersey Legislature adjourned on January 9, 1934, and the regular 1934 session convened on the same day. The first special session of the 1933 Minnesota Legislature adjourned on January 6.

LIQUOR ADVERTISING BILL HITS SNAG

The McMaster bill (H. 931) to permit newspapers, billboards, radio broadcasts, and all other mediums of advertising to advertise beverages allowed to be sold according to law was recommitted to the Judiciary Committee by the South Carolina House on January 9. The Senate had previously passed the bill, with amendments.

F. R. C. ANNUAL REPORT AVAILABLE

The Seventh Annual Report of the Federal Radio Commission was received by Congress this week. The report reviews the work of the Commission during the fiscal year ended June 30, 1933, but contains no recommendations for new legislation.

"The prediction made in the Commission's last report that the very high frequencies would be the final locus for visual broadcasting appears to be justified," says the report. "A number of licensees have given up their licenses specifying the lower frequencies and others have stated that they were satisfied that the lower frequencies were unsuitable, but desired to continue research in these bands for a short period to complete certain problems in progress.

"The quality of pictures, which it has been demonstrated is possible to transmit on the very high frequencies, has steadily increased, and some laboratory productions are capable of holding sustained interest. Pictures need no longer be confined to 'close ups,' but larger scenes may be transmitted. The art, however, has not as yet progressed to a stage which would justify the adoption of standards by the visual broadcasting industry. Although much progress has been made in the laboratory, visual broadcasting is still in the experimental stage."

Copies of the report are for sale by the Superintendent of Documents, Washington, D. C. The cost is 15 cents per copy.

HOUSE CONSIDERS F. R. C. APPROPRIATION

The House of Representatives this week in taking up the independent office supply bill included the appropriation for the Federal Radio Commission for the fiscal year beginning July 1 next. The total appropriation for the Commission for the coming year as provided for in the bill was $666,885. The appropriation for this year was $640,000, making an increase of $26,885. This, it was explained to the House Appropriations Committee by Judge Sykes, chairman of the Commission, includes the 5 per cent increase in salaries effective July 1 next for employees of the Commission.

SECURITIES ACT REGISTRATION

The following companies filed registration statements with the Federal Trade Commission under the Securities Act during the current week:

Crowley, Milner and Company Debenture Holders Reorganization Committee, Detroit, Mich. (2-540).

Dawes Gold Mines, Inc., Lovelock, Nev. (2-541).

Mariposa Gold Mining Company, San Francisco, Calif. (2-542).

Neustadtl Brewing Corporation, Stroudsburg, Pa. (2-543).

Western Dairies, Inc., Los Angeles, Calif. (2-544).

Western Dairies, Inc., and Voting Trustees for Common Stock of Western Dairies, Inc., Los Angeles, Calif. (2-545).

Alaska Exploration & Mining Co., Ltd., Inc., Pullman, Wash. (2-546).

International Gold, Inc., Pasadena, Calif. (2-547).

Bear Gulch Placer Company, Washington, D. C. (2-548).

Stephenson Hotel Corporation, Hotel Freeport, Freeport, Ill. (2-549).

Nation-Wide Securities Company, Baltimore, Md., and Jersey City, N. J. (2-550).

Committee for the Protection of Preferred Stockholders of Pressed Steel Car Company, McKee's Rocks, Pa. (2-551).

Max McGraw and Others, Chicago, Ill. (2-552).

Diversified Royalties, Ltd., Los Angeles, Calif. (2-553).

Dodge Cork Company, Inc., Lancaster, Pa. (2-554).

J. A. Auchter, et al., Milwaukee, Wis. (2-555).

Norman F. Lightbart, et al., Evanston, Ill. (2-556).

American Beverage Corporation, New York City (2-557)

Bondholders' Protective Committee for Fifth Avenue Realty Corporation, New York City, N. Y. (2-558).

Affiliated Distributing Group, Inc., Jersey City, N. J. (2-559).

Production Control Machines Corporation, Wilmington, Del. (2-560).

Continental Distillers & Importers Corporation, New York City (2-561).

Tonawanda Brewing Corporation, Tonawanda, N. Y. (2-562).

Mica Corporation, Chicago, Ill. (2-563).

Kentucky Consolidated Gas Company, Baltimore, Md. (2-564).

Arizona Gold Manganese Company, Phoenix, Ariz. (2-565).

Newark Mortgage Company, Newark, N. J. (2-566).

Beverages, Inc., Boston, Mass. (2-567).

Down Town Realty Company, Milwaukee, Wis. (2-568).

Down Town Realty Company, Milwaukee, Wis. (2-569).

Soaring Plane Corporation, Los Angeles, Calif. (2-570).

Queen City Textile Corporation, Allentown, Pa. (2-571).

Appleton Building Company, Milwaukee, Wis. (2-572).

Tiger Placers Company, Tiger, Colo. (2-573).

Cole Gold Mines, Ltd., Red Lake, Ontario (2-574).

Abba Gold Mining Corporation, Los Angeles, Calif. (2-575).

Gallatin Brewing Company, Bozeman, Mont. (2-576).

Fuller Cleaning & Dyeing Company, Cleveland, Ohio (2-577).

Tampax Sales Corporation, Denver, Colo. (2-578).

Eagle Gold & Platinum Mining Co., Inc., Vancouver, B. C. (2-579).

STATUS OF OUTLAW STATIONS

The Federal Radio Commission is much gratified over the results accomplished so far in its warfare against the operators of unlicensed radio stations. It proposes to keep up the fight until the air lanes are cleared of all so-called "air pirates."

Between July 1, 1933, and December 31, 1933, the federal courts rendered decisions in 16 cases, based on indictments of operators of unlicensed stations by the government, the Legal Division of the Commission, of which George B. Porter is acting general counsel, cooperating with the Department of Justice. Convictions were obtained in nearly all those cases.

The cases disposed of were:

U. S. v. J. S. Conn, Bellmawr, N. J.—Arrested February 17, 1933, for operation of unlicensed station. Plead guilty July 1, 1933. Fined $200.

U. S. v. Robert Partridge, Seattle, Wash.—Indicted July 21, 1933, for operation of unlicensed broadcasting station. Plead guilty. Sentence suspended.

U. S. v. Harry Lyman, John W. Roberts, Frank Fitzgerald, Margate City, N. J.—Arrested March 3, 1933, for operating unlicensed radio station. All plead guilty July 20, 1933. Each fined $25.

U. S. v. C. C. Brookings, Will Covington, H. D. Apgar, El Dorado, Ark.—Indicted for operation of broadcasting station without license. Brookings and Covington plead guilty August 19, 1933. Sentence suspended. Apgar dismissed.

U. S. v. Norman Cohen, Bridgeport, Conn.—Indicted June 26, 1933, for operation of unlicensed broadcasting station. Trial September, 1933. Found guilty. Fined $25.

U. S. v. Curry Jackson, Abilene, Tex.—Unlicensed operation of broadcasting station. Trial November 16, 1933. Found guilty. Sentenced to 10 days in jail.

U. S. v. Albert Cox, Temple, Tex.—Indicted for unlicensed operation of broadcasting station. Trial November 20, 1933. Found guilty. Sentenced to 12 months in jail. Sentence suspended. $100 fine.

U. S. v. Fred Bitterman, Temple, Tex.—Indicted for unlicensed operation of broadcasting station. Trial November 20, 1933. Found guilty. Sentenced to 12 months in jail. Sentence suspended. $100 fine.

U. S. v. Mr. and Mrs. E. J. Turner and Dick Saye, Denton, Tex. —Indicted for operation of unlicensed broadcasting station. Trial November 27, 1933. All defendants found not guilty.

U. S. v. Ben O. Bracken, Camden, Ark.—Indicted for operation of unlicensed station. Plead guilty December 8, 1933. Sentenced 18 months in jail. Sentence suspended.

U. S. v. Henry Clay Allison, Fort Worth, Tex.—Indicted for operation of unlicensed broadcasting station. Trial December 11, 1933. Found guilty. Fined $250 for operation of station without operator's license.

U. S. v. Mr. and Mrs. F. H. Meier, Plainview, Tex.—Indicted for operation of unlicensed broadcasting station. Mr. Meier plead guilty December 14, 1933. Sentenced to three years. Suspended. Mrs. Meier dismissed.

U. S. v E. J. Turner, Plainview, Tex.—Indicted for operation of unlicensed broadcasting station. Trial December 14, 1933. Found not guilty.

U. S. v. Chas. L. Fower and Miller Hogan, Macon, Mo.—Indicted April 29, 1933, for operation of unlicensed broadcasting station. Fower plead guilty. Fined $150. Hogan dismissed.

U. S. v. Chester Ross, Boston, Mass.—Indicted December 11, 1933, for operation of unlicensed broadcasting station. Plead guilty. Fined $200 and forfeiture of apparatus.

U. S. v. Morris Browne and Joseph Marks (WAR), Brooklyn, N. Y.—Arrested for operating radio station in automobile August 11, 1933. Indictment returned. Marks plead guilty. Sentenced 3 years. Suspended. Browne indictment nolle prossed.

The Following Were the Cases Awaiting Prosecution January 1, 1934

U. S. v. Robert M. H. Verenocke, John Campbell, Patrick Fitzgerald, Arthur H. Stevens and N. D. Macris. Indictment returned Eastern District of New York, December 22, 1931. Case set for trial January 16, 1934.

U. S. v. George MacDonald, alias Geo. Griffin, et al. Arrested October 28, 1932, at Coney Island, N. Y., for operating station without operator's license. Indictment returned. Case set for trial January 16, 1934.

U. S. v. James Donald Hayes, Willard O. Bird and Chas. V. Horn. Arrested at Montauk, N. Y., for unlicensed operation of radio station May 5, 1933. Indictment returned. Will be placed on January, 1934, calendar for pleading.

U. S. v. John V. Prianti and Mark Mazzardri, Brooklyn, N. Y.— Arrested February, 1933. Indicted June, 1933, for unlicensed operation of radio station in automobile. Set for trial January 16, 1934.

U. S. v. Samuel Morris, Abilene, Tex.—Arrested for operation of unlicensed broadcasting station. Jury disagreed November 14, 1933. Reindicted December 4, 1933. Set for trial second Monday in April, 1934.

U. S. v. Alton W. Stewart, Brownwood, Tex.—Arrested for operation of unlicensed operation of broadcasting station. Equipment seized. Indicted December 4, 1933. Trial to be held fourth Monday in April, 1934.

U. S. v. Paul E. Gregg, Sewell Meyers, M. X. Morrow.—Injunction suit at Houston, Tex., for operation of broadcasting station without license. Tried November 24, 25, 1933. Awaiting decision of Court.

U. S. v. Henry Clay Allen, Fort Worth, Tex.—Injunction suit for operation of broadcasting station without license. Trial befor Master in September, 1933. Master's report submitted recommending permanent injunction. Awaiting decision of Court.

Action is contemplated against other operators of unlicensed stations in the near future.

The Commission has just been advised by H. M. Tolden, U. S. Attorney at Houston, Tex., that Judge Kennerley has issued a permanent injunction against the operation of the Voice of Labor Broadcasting Station at Houston. This station has been operating for several months without a license using the frequency 1310 kc. with 5 watts power. It made the defense that because of the low power its signals did not extend beyond the border of Texas and did not interfere with the signals of any licensed station, and for that reason it did not come under the jurisdiction of the Federal Radio Commission. That contention, however, was unavailing before the Court.

Ben S. Fisher, Assistant General Counsel, was detailed to handle most of these cases for the Federal Radio Commission.

FEDERAL RADIO COMMISSION ACTION

HEARING CALENDAR

Monday, January 15, 1934

KJBS—Julius Brunton & Sons Co., San Francisco, Calif.—C. P., **1070 kc.**, 500 watts, 12:01 a. m. to LS (facilities of KFWI). Present assignment, **1070 kc.**, 100 watts, 12:01 a. m. to LS.

KQW—Pacific Agricultural Foundation, San Jose, Calif.—C. P., **1010 kc.**, 500 watts, 1 KW LS, unlimited time (facilities of KFWI). Present assignment, **1010 kc.**, 500 watts, unlimited time.

KROW—Educational Broadcasting Corp., Oakland, Calif.—Modification of license. **930 kc.**, 500 watts, 1 KW LS, unlimited time (facilities of KFWI). Present assignment, **930 kc.**, 500 watts, 1 KW LS, shares with KFWI.

Wednesday, January 17, 1934

Oral Argument Before Commission en banc

WOKO—WOKO, Inc., Albany, N. Y.—Modification of license, **1430 kc.**, 500 watts, unlimited time. Present assignment, **1440 kc.**, 500 watts, simultaneous day, sharing night with WHEC.

WHEC—WHEC, Inc., Rochester, N. Y.—Modification of license, **1430 kc.**, 500 watts, unlimited time. Present assignment, **1440 kc.**, 500 watts, simultaneous day, sharing night with WOKO.

WCAH—Commercial Radio Service Co., Columbus, Ohio—Modification of license, **1430 kc.**, 500 watts, unlimited time. Present assignment, **1430 kc.**, 500 watts, simultaneous day with WHP and WBAK, sharing night with WHP.

WCAH—Commercial Radio Service Co., Columbus, Ohio—Modification of license, **1430 kc.**, 500 watts, 1 KW LS, unlimited daytime, sharing night with WHP.

WHP—WHP, Inc., Harrisburg, Pa.—Modification of license, **1430 kc.**, 500 watts, 1 KW LS, unlimited time. Present assignment, **1430 kc.**, 500 watts, 1 KW LS, specified hours day, sharing night with WCAH.

WFEA—New Hampshire Broadcasting Co., Manchester, N. H.—License, **1430 kc.**, 500 watts, unlimited time. Present assignment, **1430 kc.**, 500 watts, unlimited time (exp. C. P. only).

Thursday, January 18, 1934

KFYR—Meyer Broadcasting Company, Bismarck, N. Dak.—Modification of license, **550 kc.**, 1 KW, 2½ KW LS, unlimited time. Present assignment, **550 kc.**, 1 KW, 2½ KW LS, specified hours daily except Sundays; Sundays, unlimited time.

KFDY—South Dakota State College, Brookings, S. Dak.—Modification of license, **780 kc.**, 1 KW, specified hours. Present assignment, **550 kc.**, 1 KW, specified hours.

Friday, January 19, 1934

KGDM—E. F. Peffer, Stockton, Calif.—Modification of license, **1100 kc.**, 250 watts daytime and 12 p. m. to 6 a. m. (facilities of WPG and WLWL). Present assignment, **1100 kc.**, 250 watts, daytime.

APPLICATIONS GRANTED

WHN—Marcus Loew Booking Agency, New York, N. Y.—Granted modification of license to increase hours of operation from sharing with WRNY and WQAO-WPAP to unlimited. (To consolidate WRNY and WQAO-WPAP, giving station WHN unlimited time.) Facilities WRNY and WQAO-WPAP.

WHN, WQAO-WPAP, WRNY—Marcus Loew Booking Agency, New York, N. Y.—Granted for month of February special experimental authority to operate stations WHN, WQAO-WPAP, and WRNY, using transmitter of WHN, make changes in equipment, increase power from 250 watts to 1 KW for period from 1 a. m. to local sunset and to operate at will during that period.

KGCR—Greater Kampeska Radio Corp., Watertown, S. Dak. (Inf. Appl.)—Granted authority to temporarily reduce power to such value that maximum percentage of modulation of at least 75 per cent can be satisfactorily obtained pending filing of application for construction permit and installation of equipment correcting defects in present transmitter.

SET FOR HEARING

WMC—WMC, Inc., Memphis, Tenn.—C. P. to move studio from Hotel Gayoso, Memphis, Tenn., to U. S. Highway No. 51, Frankstown, Miss., increase power from 500 watts night, 1 KW day, to 1 KW night, 2½ KW day, employing directional antenna with minimum signal intensity toward station WTAR, Norfolk, Va.

WREC—WREC, Inc., Memphis, Tenn.—Modification of license to move studio from Hotel Peabody, Memphis, Tenn., to State line, Miss., south of Miss.-Tenn. State line on Highway No. 51; increase power from 500 watts night, 1 KW day, to 1 KW night, 2½ KW day.

APPLICATIONS RECEIVED

First Zone

WINS—American Radio News Corp., New York, N. Y.—Modification of license to increase hours of operation from limited to unlimited on **1180 kc.** (facilities of WNYC, New York, N. Y.).

WCNW—Arthur Faske, Brooklyn, N. Y.—Modification of construction permit granted to move station and install new equipment for approval of transmitter site at east side of E. 106th St., 155 feet south from the southeast corner of Glenwood Road and E. 106th St., Brooklyn, N. Y.

NEW—Boy Scouts of America, Troop No. 131 Bronx, Harry Goldman, Scoutmaster and Trustee, New York, N. Y.—Construction permit to erect a new station to operate on **1350 kc.**, 250 watts, share time with WBNX (facilities of WBNX, New York, N. Y.).

WMEX—The Northern Corporation, Chelsea, Mass.—Modification of construction permit granted to erect a new station for approval of transmitter site at (4½ miles from center of Boston) Chelsea, Mass.

WHN—Marcus Loew Booking Agency, New York, N. Y.—Modification of license to consolidate Stations WRNY and WQAO-WPAP with Station WHN, unlimited time (facilities of WRNY and WQAO-WPAP).

WAAT—Bremer Broadcasting Corporation, Jersey City, N. J.—Modification of construction permit to increase power and change equipment; to move transmitter from 91 Sip Ave. to 26 Journal Square, Jersey City, N. J., and amended to request extension of completion date from 2-1-34 to 5-1-34.

Second Zone

WAVE—WFIW, Inc., Louisville, Ky.—Modification of license to change name to WAVE, Inc.

WAVE—WAVE, Inc., Louisville, Ky.—License to cover construction permit authorizing move of station from Hopkinsville to Louisville, Ky.

WIBM—WIBM, Inc., Jackson, Mich.—Construction permit to install new equipment and change location of transmitter from Summitt St., (near) Jackson, and studio from Otsego Hotel, Michigan Ave., to 306 West Michigan, Jackson, Mich.

Third Zone

KGHI—Loyd Judd Co., Little Rock, Ark.—Construction permit to move transmitter and studio from Marion Hotel, corner of Markham and La. Streets, to 319 West 2nd St., Little Rock, Ark.

WBBZ—James F. Kyler, Ponca City, Okla.—Consent to involuntary assignment of license of WBBZ from C. L. Carrell to James F. Kyler.

WBRC—Frank M. King, as Receiver of the Birmingham Broadcasting Co., Inc., Birmingham, Ala.—Consent to voluntary assignment of license of WBRC to Birmingham Broadcasting Co., Inc.

WPTF—WPTF Radio Company, Raleigh, N. C.—Extension of special experimental authorization to operate until 8 p. m., PST, 2-1-34 to 8-1-34.

Fourth Zone

KGFK—Red River Broadcasting Co., Inc., Moorhead, Minn.—Construction permit to move transmitter and studio from Moorhead, Minn., to Minnesota Point, Duluth, Minn.

WCAL—St. Olaf College, Northfield, Minn.—Construction permit to install new equipment and increase power from 1 KW night and day to 1 KW night, 2½ KW daytime.

KGBX—KGBX, Inc., Springfield, Mo.—Construction permit to install new equipment and change maximum rated carrier power from 250 watts to 100 watts.

WGES—Oak Leaves Broadcasting Station, Inc., Chicago, Ill.—Modification of license to change hours of operation to specified hours. Amended to request unlimited time and increased power from 500 watts to 1 KW (facilities of WCBD).

Fifth Zone

None.

APPLICATIONS RETURNED

WODX—Frank M. King, as Receiver of the Mobile Broadcasting Corporation, Birmingham, Ala.—Consent to involuntary assignment of license (request of applicant).

KGBZ—Dr. George R. Miller, York, Nebr.—Special experimental authorization to use 1 KW between 5 a. m. and 6 a. m. daily except Sunday from 11-15-33 to 3-31-34. (License assigned.)

WHBL—Press Publishing Company, Sheboygan, Wis.—Construction permit to make changes in equipment. (Incomplete.)

WLBW—Broadcasters of Pennsylvania, Erie, Pa.—Modification of license to increase power from 500 watts night, 1 KW day, to 1 KW night and day. (Incomplete.)

WTMJ—The Journal Company (The Milwaukee Journal), Milwaukee, Wis.—Special experimental authorization to increase power from 1 KW night, 2½ KW to local sunset, to 5 KW experimentally. (Improper form.)

The National Association of Broadcasters

NATIONAL PRESS BUILDING ★ ★ ★ ★ ★ WASHINGTON, D. C.

PHILIP G. LOUCKS, Managing Director

NAB REPORTS

★ ★ NRA ★ ★

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BROADCAST ADVERTISING IN NOVEMBER

Broadcast advertising in November showed further increases in volume over the marked gains experienced during the previous month. Total radio advertising volume during the month amounted to $5,985,857.00 and constituted a gain of 4.1% over October revenues. November gross revenues from the sale of advertising time on stations and networks were 51.5% ahead of those of September. The total volume of broadcast advertising over national networks, regional networks and individual stations for the month of November is found in Table I:

TABLE I

TOTAL RADIO BROADCAST ADVERTISING VOLUME

	1933 Gross Receipts		
Class of Business	*October*	*November*	*Cumulative July-November*
National networks..	$3,244,153.00	$3,439,088.00	$12,503,004.00
Regional networks..	26,091.00	74,051.00	162,754.00
Individual stations..	2,471,606.00	2,472,718.00	10,622,978.00
Total	$5,741,850.00	$5,985,857.00	$23,288,736.00

Receipts for the sale of time by national networks in November showed an increase of 6% over those of the preceding month and were 12% greater than November, 1932, revenues. National network business is still approximately 23% behind that of last year, though the last five months of 1933 have approximately equalled the same period of the previous year. It would seem therefore that national network volume for 1933 will total between 30 and 32 million dollars and will be approximately 10% behind the 1931 total.

Marked increases occurred during the month in regional network advertising, the volume of business of this nature having almost tripled that of October. Individual station business remained practically the same in amount as during the preceding month.

Comparison with Other Media

A comparison of expenditures for radio broadcast advertising as against those for other leading media is found in Table II:

TABLE II

ADVERTISING VOLUME MAJOR MEDIA

	1933 Gross Receipts		
Advertising Medium	*October*	*November*	*Cumulative July-November*
Radio broadcasting.	$5,739,850.00	$5,985,857.00	$23,286,736.00
National magazines[1]	9,574,829.00	9,535,635.00	39,794,721.00
National farm papers	455,018.00	436,830.00	1,737,992.00
Newspapers	43,903,450.00	41,356,796.00	193,871,964.00
Total	$59,673,147.00	$57,315,118.00	$258,691,413.00

[1] National magazine totals are for 108 periodicals, prepared by Publishers' Information Bureau, Inc., from which source national farm papers and networks are also taken.

National magazine volume decreased slightly as against October though it remained 4% above the November, 1932, figure. Magazine advertising volume for the year is still 16% behind that of 1932. Newspaper advertising volume experienced its usual seasonal decline and was 3.9% less than in October. National farm paper advertising decreased 4% compared with the preceding month and was 1% less than the same month of 1932. Advertising volume in national farm papers during the first eleven months of 1933 was 17% less than during the same period of the preceding year.

The position of radio broadcast advertising, therefore, compares favorably with that of other media, and seems to be recuperating from its recent decline in volume at approximately the same rate as is other advertising. There should be a tendency for national network advertising to show an especially quick comeback insofar as advertising of this type is largely concentrated among the more prosperous and enterprising companies.

Advertising Over Various Classes of Stations

The volume of non-network advertising placed over stations of different classes of power is found in Table III:

TABLE III

NON-NETWORK BROADCAST ADVERTISING BY POWER OF STATION

	1933 Gross Receipts		
Power of Station	*October*	*November*	*Cumulative July-November*
Over 5,000 watts...	$894,860.00	$801,630.00	$4,198,501.00
2,500-5,000 watts...	311,192.00	302,311.00	1,309,969.00
250-1,000 watts.....	935,850.00	1,002,911.00	3,834,353.00
100 watts and under	329,704.00	365,866.00	1,280,155.00
Total	$2,471,606.00	$2,472,718.00	$10,622,978.00

Non-network business of stations of more than 5,000 watts in power decreased approximately 14% during November, due principally to an increasing volume of network accounts being broadcast over stations of this class.

Stations of from 2,500 to 5,000 watts in power experienced a 3% decline in revenues as compared with the previous month. This loss is probably due to network commitments. Advertising volume placed over stations of 250 to 1,000 watts in power increased 7.1% during the month. The greatest increase was enjoyed by stations of the 100 watt class, whose volume of advertising rose 10.9% as compared with October.

The amount of non-network advertising placed over stations in different sections of the country is found in Table IV:

TABLE IV

NON-NETWORK BROADCAST ADVERTISING BY GEOGRAPHICAL DISTRICTS

	1933 Gross Receipts		
Geographical District	*October*	*November*	*Cumulative July-November*
New England-Middle Atlantic Area	$599,277.00	$597,887.00	$2,659,269.00
South Atlantic-South Central Area	354,559.00	403,794.00	1,587,562.00
North Central Area	1,018,643.00	972,872.00	4,020,500.00
Pacific and Mountain Area	499,127.00	498,165.00	2,355,647.00
Total	$2,471,606.00	$2,472,718.00	$10,622,978.00

The principal trend in non-network advertising volume among the different sections of the country has been the marked growth which it has experienced in the South Atlantic-South Central Area. Radio advertising volume in this section was 16.7% greater in November than in October and undoubtedly reflects the increased buying power of the South, which has resulted from the Government crop control program. There was a slight decline in radio advertising in the Middle West, while the volume in the New England-Middle Atlantic and Pacific and Mountain Areas remained approximately the same as during the preceding month.

Spot and Local Advertising

A comparison of the volume of national spot and local advertising going to make up the non-network revenues of individual stations is found in Table V:

TABLE V

COMPARISON OF NATIONAL SPOT AND LOCAL BROADCAST ADVERTISING

	1933 Gross Receipts		
Class of Business	*October*	*November*	*Cumulative July-November*
National spot	$1,066,413.00	$1,085,342.00	$4,200,660.00
Local	1,405,193.00	1,387,376.00	6,422,318.00
Total	$2,471,606.00	$2,472,718.00	$10,622,978.00

There has been little change in this field from the preceding month. National spot advertising increased 1.8%, while local advertising declined 1.3%, due principally to seasonal considerations.

Advertising By Type of Rendition

The trends with regard to electrical transcriptions and other types of broadcasting rendition are found in Tables VI and VII:

TABLE VI

NON-NETWORK BROADCAST ADVERTISING BY TYPE OF RENDITION

	1933 Gross Receipts		
Type of Rendition	*October*	*November*	*Cumulative July-November*
Elec. transcriptions	$563,753.00	$495,516.00	$1,948,371.00
Live talent programs	1,094,678.00	1,044,932.00	4,807,838.00
Records	53,398.00	56,880.00	293,765.00
Spot announcements	759,777.00	875,390.00	3,573,004.00
Total	$2,471,606.00	$2,472,718.00	$10,622,978.00

TABLE VII

COMPARISON OF LOCAL AND NATIONAL SPOT ADVERTISING BY TYPE OF RENDITION

	1933 Gross Receipts		
Type of Rendition	*National Spot*	*Local*	*Cumulative July-November*
Elec. transcriptions	$374,707.00	$120,809.00	$495,516.00
Live talent programs	335,202.00	709,730.00	1,044,932.00
Records	8,074.00	48,806.00	56,880.00
Spot announcements	367,359.00	508,031.00	875,390.00
Total	$1,085,342.00	$1,387,376.00	$2,472,718.00

Electrical transcription volume in November declined approximately 11%, though still remaining at a very much higher level than in September. The decline in this field was principally due to a recession in national spot business of this type. Live talent volume declined 4.5% though remaining at approximately the same figure as that of the past several months.

The greatest increase in non-network business during November was in the spot announcement field. Revenues derived from spot announcements increased 15%. This rise was due almost exclusively to national spot business the volume of which rose 38.8% as compared with October. Local spot announcement volume increased 2.6% over the preceding month.

Participations, which are found in Table VIII, increased approximately 10% over October though remaining considerably below the September volume for this type of business.

TABLE VIII

PARTICIPATIONS OVER INDIVIDUAL STATIONS

	1933 Gross Receipts		
Type of Rendition	*October*	*November*	*Cumulative July-November*
Elec. transcriptions		$177.00	$572.00
Live talent	$48,300.00	49,685.00	288,370.00
Records	10,802.00	15,961.00	78,890.00
Total	$59,102.00	$65,823.00	$367,832.00

Radio Advertising Sponsors

The volume of broadcast advertising in November sponsored by various industrial groups is found in Table IX, while an analysis of national spot and local broadcast advertising over individual stations is presented in Table X:

TABLE IX

RADIO BROADCAST ADVERTISING VOLUME BY TYPE OF SPONSORING BUSINESS

(November, 1933)

	Gross Receipts for Month			
Type of Sponsoring Business	*National Networks*	*Regional Networks*	*Individual Stations*	*Total*
1a. Amusements			$70,882.00	$70,882.00
1-2. Automobiles and Accessories:				
(1) Automobiles	$229,568.00	$5,400.00	84,327.00	319,295.00
(2) Accessories, gas and oils	320,606.00	22,179.00	260,203.00	602,988.00
3. Clothing and apparel	43,340.00	900.00	169,158.00	213,398.00
4-5. Drugs and toilet goods:				
(4) Drugs and pharmaceuticals	389,140.00	7,327.00	369,748.00	766,215.00
(5) Toilet goods	618,637.00	1,600.00	141,756.00	761,993.00
6-8. Food products:				
(6) Foodstuffs	768,134.00	24,517.00	442,462.00	1,235,113.00
(7) Beverages	362,339.00		62,968.00	425,307.00
(8) Confections	123,316.00	200.00	35,043.00	158,559.00
9-10. Household goods:				
(9) Household equipment and furnishings	11,748.00		114,007.00	125,755.00
(10) Soap and kitchen supplies	95,473.00		28,655.00	124,128.00
11. Insurance and financial	59,778.00	1,744.00	59,178.00	120,700.00
12. Radios	57,601.00		10,056.00	67,657.00
13. Retail establishments			125,028.00	125,028.00
14. Tobacco products	182,499.00		4,797.00	187,296.00
15. Miscellaneous	176,909.00	10,184.00	494,450.00	681,543.00
Total	$3,439,088.00	$74,051.00	$2,472,718.00	$5,985,857.00

TABLE X

NON-NETWORK ADVERTISING BY TYPE OF SPONSORING BUSINESS

(November, 1933)

Type of Sponsoring Program	National Spot	Gross Receipts for Month Local	Total
1a. Amusements	$3,792.00	$67,090.00	$70,882.00
1-2. Automobiles and Accessories:			
(1) Automobiles	38,993.00	45,334.00	84,327.00
(2) Accessories, gasoline and oil	181,276.00	78,927.00	260,203.00
3. Clothing and apparel	5,768.00	163,390.00	169.158.00
4-5. Drugs and toilet goods:			
(4) Drugs and pharmaceuticals	265,392.00	104,356.00	369,748.00
(5) Toilet goods	115,216.00	26,540.00	141,756.00
6-8. Food products:			
(6) Foodstuffs	209,236.00	233,226.00	442,462.00
(7) Beverages	18,397.00	44,571.00	62,968.00
(8) Confectionery	32,171.00	2,872.00	35,043.00
9-10. Household goods:			
(9) Household equipment and furnishings	21,200.00	92,807.00	114,007.00
(10) Soap and kitchen supplies	10,023.00	18,632.00	28,655.00
11. Insurance and financial	16,820.00	42,358.00	59,178.00
12. Radios	2,875.00	7,181.00	10,056.00
13. Retail establishments	2,731.00	122,297.00	125,028.00
14. Tobacco products	1,983.00	2,814.00	4,797.00
15. Miscellaneous	159,469.00	334,981.00	494,450.00
Total	$1,085,342.00	$1,387,376.00	$2,472,718.00

The following trends are to be noticed in the aforementioned tables:

1a. *Amusements:*—There has been a slight gain in this field during the month due principally to increased national spot business of this type.

1. *Automobiles:*—Total automobile advertising decreased 10.6% as compared with October. National network advertising in this field declined 10.5% and individual station advertising 38%. In the non-network field national spot advertising declined 23% and local advertising 48%. These declines are undoubtedly due to a discontinuance of advertising prior to the introduction of new models. There was a marked increase of regional network advertising in the automotive field.

2. *Accessories, gasoline and oil:*—Advertising of products of this class increased 18% over October, and stands at the highest point that it has reached during the past six months. National network advertising increased 7.8%, regional network advertising rose very markedly, while individual station volume increased approximately 26%. The rise in individual station revenues derived from this class of advertiser was evenly distributed between national spot and local business.

3. *Clothing:*—There was a 13% decline in advertising volume in this field. Network volume declined 9% and individual station volume 15%. The latter was due principally to a more than 80% decrease in national spot clothing advertising, local advertising revenues in this field having risen 2.8%, as compared with October.

4. *Drugs and pharmaceuticals:*—Advertising in this field continues to increase. Total revenues derived from this source increased 18% as compared with October. National network volume rose approximately 9% as compared with the previous month; regional network advertising doubled, while individual station revenue derived from this source increased 28%. National spot volume rose 34% and local drug and pharmaceutical advertising increased 14% as compared with the previous month.

5. *Toilet goods:*—There has been a slight increase in this field due principally to national network advertising. Part of the rise over the networks has been offset by declines in individual station revenues.

6. *Foodstuffs:*—Food advertising over the radio experienced another 9% gain as compared with October. National network advertising increased 6%, individual station advertising 10%, and national spot advertising 13%. There was little change in local advertising in this field.

7. *Beverages:*—A slight decline was experienced during November in advertising of this class, principally due to decreases in national network and national spot advertising. Local beverage advertising increased slightly.

8. *Confectionery:*—The trend in this field has been similar to that of beverages. The volume still stands at more than five times that of July of the current year.

9. *Household appliances:*—Household appliance advertising over the radio declined 10.8% as compared with October. This was due principally to a drop of 43% in national spot volume. Network advertising in this field remained approximately the same as during the preceding month, while local advertising declined 13%.

10. *Soap and kitchen supplies:*—There has been a 21% decline in this field as compared with October, most of which has been due to a marked decrease in national spot revenue derived from this source.

11. *Insurance and financial:*—October gains in this field have been offset by November losses, a decline of approximately 23% having taken place in financial and insurance radio advertising during the current month as compared with the preceding one. National network volume declined approximately 50% and local advertising 33%. There was a marked increase in national spot advertising of this class amounting to approximately 60%.

12. *Radio:*—There has been little or no change in this field during the period under consideration.

13. *Retail:*—Radio advertising by department and general retail stores showed a particularly strong upward trend during the current month. Increased volume of general retail establishment advertising amounted to 11.2%. There was, however, a slight decrease in advertising of this type sponsored by smaller retail establishments.

14. *Tobacco products:*—There was a gain of 25% in this field due entirely to the return of the large tobacco companies to network advertising.

Retail Advertising

A detailed study of the retail advertising situation is found in Table XI:

TABLE XI

RETAIL ADVERTISING OVER INDIVIDUAL STATIONS

(November, 1933)

Type of Sponsoring Business	*Gross Receipts for month*
Automobiles and accessories:	
Automobile agencies and used car dealers	$28,830.00
Gasoline stations, garages, etc.	25,482.00
Clothing and apparel shops	160,417.00
Drugs and toilet goods:	
Drug stores	16,547.00
Beauty parlors	103.00
Food products:	
Grocery stores, meat markets, etc.	32,475.00
Restaurants and eating places[1]	26,310.00
Beverage retailers	165.00
Confectionery stores, etc.	954.00
Household goods:	
Household equipment retailers[2]	35,867.00
Furniture stores	40,913.00
Hardware stores	6,454.00
Radio retailers	6,216.00
Department and general stores	125,027.00
Tobacco shops	391.00
Miscellaneous	53,800.00
Total	$560,151.00

[1] Exclusive of hotels.

[2] Such as electric refrigerators, oil burners, sweepers, furnaces and the like.

The principal trends in this field have been a marked decline in automobile advertising, an increase of approximately 11% in clothing store advertising, a 50% increase in drug store advertising, the rise in general retail advertising previously noted, and slight declines in the grocery, beverage, confectionery and household appliance fields. There was a slight rise in restaurant and similar advertising.

GENERAL BUSINESS CONDITIONS

The business recession following the mid-summer rise in activity has been definitely checked and the general trend of industry and trade is again upward. Indeed, general business conditions seem to be more favorable than they have been at any time since the beginning of the current depression.

The upswing in business began early in December and has continued since that time. On December 30 the *New York Times* index of business activity stood at 77.6 as compared with 74.7 on December 2 and 72.9 on November 11. The index of steel output at the end of December was 31.6, or more than double that of the same period of 1932. The electrical power index increased from 96.5 at the end of November to 99.5 on December 23. This is comparable to an index of 84.9 at the close of December, 1932.

Though automobile production has been slow in getting under way, probably because of radical changes in models, November sales in this field were unexpectedly high.

Prices have continued upward, the Bureau of Labor Statistics index of wholesale prices at present being 18% above the low point of March, 1933. The index has now reached a level of 70.4% of 1926 prices.

Retail trade seems to be picking up. November sales of the Montgomery-Ward Company were 25.3% above the corresponding month of 1932, those of Sears-Roebuck 27.2% above the previous year, and those of J. C. Penney Company 27.7%. It seems to be the concensus of opinion that retail trade during the Christmas holidays was far above what had been expected.

A number of interesting indications of the trend of business are found in the American Federation of Labor's review of business conditions during the past year published several days ago. It is estimated that 1,800,000 men were given permanent employment during the year and that 4,600,000 additional workers were given temporary employment under the Civil Work Administration. The total income of workers has been increased 11.7% over the year, and, if CWA employment is to be included, this figure will rise to 26.4%. It should be noted, however, that though the average wage has increased merely from $20.53 a week in November, 1923 to $20.56 a week in November, 1933, food prices have increased 7% and clothing and furnishing prices 21%. Since this is probably true of middle class, as well as working class income and prices, a too rapid increase in mass purchases must not be expected. Provided, however that Government borrowing can be effected without disturbing the financial situation, the present business trend should continue and the first quarter of 1934 should show additional improvement in the economic situation.

The National Association of Broadcasters

NATIONAL PRESS BUILDING ★ ★ ★ ★ ★ WASHINGTON, D. C.

PHILIP G. LOUCKS, Managing Director

NAB REPORTS

★ ★ ★ ★ ★

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CODE AUTHORITY HOLDS MEETING

The Code Authority for the Radio Broadcasting Industry met in Washington on January 15, 16 and 17. It is expected that explanatory comments of the various provisions contained in the Code will be available to stations at an early date.

DOWLING APPOINTED TO CODE AUTHORITY

Eddie Dowling, musical comedy and motion picture star, and Deputy Administrator W. P. Farnsworth were today appointed by National Recovery Administrator Hugh S. Johnson to be Administration members of the Radio Broadcasting Industry Code Authority. At the same time, the General named Marion H. Hedges, well-known labor statistician, to serve as a member of the Authority to represent those employees in the industry designated as "Broadcast Technicians."

MANAGING DIRECTOR ILL

Philip G. Loucks, Managing Director, has been confined to his home during the past several days by illness. He is recuperating and expects to return to his desk next week.

KLMB REFUSED POWER INCREASE

The Radio Commission on Friday refused to increase the power of Station KLMB, Monroe, La., from 100 to 250 watts and to change its frequency from 1200 to 590 kilocycles, sustaining Examiner George H. Hill in his Report No. 528.

The Commission found that the applicant "has not shown adequate financial ability to carry out the proposed construction work." It found also that "the operation of the proposed station would cause objectionable interference in the reception of another station providing a meritorious service."

WJBK DENIED FULL TIME

Station WJBK, Jackson, Mich., has been denied full-time operation by the Radio Commission, and WIBM, Jackson, Mich., was "denied as in default application for full-time operating assignment," in both cases sustaining Examiner Ralph H. Walker in his Report No. 516.

The Commission states that it does not appear that Station WJBK could be operated under the conditions proposed in the application without objectionable interference, and that "no such need for the additional service proposed in the application is shown as would warrant the granting of the application." Also it was found by the Commission that "no evidence has been offered in support of the application of WIBM."

DILL WRITING COMMUNICATIONS BILL

Senator Dill of Washington stated on Friday that he is working on his new Communications Commission bill, which he does not believe will be ready for introduction for from two to three weeks.

The Senator will collaborate with Representative Rayburn of Texas, chairman of the House Committee on Interstate Commerce, and it is probable that identical bills will be introduced in both Houses of Congress at the same time.

Senator Dill said that "it is too early in the session" to tell whether or not it will be possible to get any action on this bill during the present session. The Senator indicated that he would probably call hearings shortly after the introduction of his bill. Inasmuch as Senator Dill had considerable to do with the drafting of the Couzens Communications Commission bill during the last Congress, it is expected that some of the features of the old bill will be included in the new one.

PROPOSES RADIO INVESTIGATION

Senator Robinson of Indiana on Thursday introduced a resolution calling for an investigation by a Senate Committee of the Federal Radio Commission in connection with its control of the freedom of speech. The resolution was introduced during the course of a speech he made dealing with the freedom of the press and of speech. The resolution, which was referred to the Senate Committee on Interstate Commerce, is as follows:

"*Resolved,* That the Committee on Interstate Commerce, or any duly authorized subcommittee thereof, is authorized and directed to make an investigation of the control exercised by the Federal Radio Commission over persons broadcasting through licensed broadcasting stations, and the extent to which the freedom of speech of such persons has been restricted. The Committee shall report to the Senate, as soon as practicable, the results of its investigation, together with its recommendations.

"For the purposes of this resolution the Committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and act at such times and places during the sessions and recesses of the Senate in the Seventy-third Congress, to employ such clerical and other assistants, to require by subpoena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony, and to make such expenditures, as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of the committee, which shall not exceed $——, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman."

SUGGESTS CONSTRUCTION PERMIT DENIAL

The State Journal Company, Lansing, Mich., filed an application with the Radio Commission for a construction permit for a new broadcasting station to be erected at that place, using 1210 kilocycles, unlimited time, with 100 watts night and 250 watts LS.

In Report No. 536 this week, Ralph L. Walker (e.) recommends that the application be denied.

It is pointed out in this report that while this company is qualified to construct and operate such a station, there is pending before the Commission Examiner's Report No. 479 in which it was recommended "that the application of the Capital City Broadcasting be granted" for the erection of a new station at Lansing. This new station was also to operate on 1210 kilocycles. The Commission has not yet acted on the previous examiner's report.

SECURITIES ACT REGISTRATION

The following companies filed registration statements with the Federal Trade Commission under the Securities Act during the current week:

Refrigeration Research Corporation, Brooklyn, N. Y. (2-580).
Sauk City Brewing Company, Sauk City, Wis. (2-581).
John Poindexter Distilleries Co., Cynthiana, Ky. (2-582).
Cambridge Building Corporation, Philadelphia, Pa. (2-583).
California Gold Lode Mines, Inc., Los Angeles, Calif. (2-584).
Casey Jones, Inc., Baltimore, Md. (2-585).
Committee of the Paragon Trading Corporation, Brooklyn, N. Y. (2-586).
Imperial Beverages Corporation, Wilmington, Del. (2-587).
Pomeroy Hydraulic Jack Company, Long Beach, Calif. (2-588).
Blue Star Markets, Inc., Phoenix, Ariz. (2-589).

OPPOSE WMCA AND WSYR POWER BOOST

Station WMCA, New York City, applied to the Radio Commission to use 500 watts power additional experimentally, and

WSYR, Syracuse, N. Y., asked to increase its power from 250 to 500 watts. George H. Hill (e.) in his Report No. 535 this week recommended that the application of WMCA "be dismissed with prejudice," and he also recommended that the WSYR application be denied.

In connection with the application of WSYR the Examiner states that the benefit derived from the additional power asked by this station would not warrant the curtailment of the service rendered by WMCA and WKBN, Youngstown, Ohio, and he stated that "a sufficient showing of need for the service requested has not been made by the applicant." When the application of WMCA was called for hearing the attorney requested permission to withdraw the application.

COMMISSION ALLOWS WPRO EXPERIMENT

Station WPRO, Providence, R. I., was granted special experimental authorization by the Radio Commission to install a new 250-watt transmitter to be used with a special antenna designed to control or suppress radiations in certain directions. In granting this experiment the Commission upheld Report No. 506 of Examiner George H. Hill.

In granting this experiment the Commission made it subject to the condition tbat the applicant shall not permit the signal intensity without attenuation of Station WPRO radiated in tbe directions of WMAL and CFCY to be greater than 18 millivolts per meter at a distance of 1 mile from the transmitter of WPRO. Also applicant has to adbere to a number of other restrictions imposed by the Commission.

The Commission found that the station is rendering a meritorious service and that it "would be substantially improved by the successful operation of tbe proposed new transmitter and antenna system."

It found also that the applicant's plan "warrants the experiments proposed in the application."

WGNY GETS MORE TIME

The Radio Commission this week upheld Examiner George H. Hill in bis Report No. 525 in which he recommended that more time be granted Station WGNY, Chester, N. Y. Tbe station now has restricted time, and under the Commission's decision it will share time with Stations WJBI, WFAS, and WGBB.

The Commission found that by granting more time tbe "station will permit of more effective and more efficient use of existing facilities." It was found also that the granting of the additional time will not adversely affect the operation of any other station.

WMBD GIVEN FULL TIME

The Radio Commission has granted Station WMBD, Peoria, Ill., full-time operation on 1440 kilocycles, reversing Examiner R. L. Walker in his Report No. 493. It also denied the renewal application of Station WTAD, Quincy, Ill., and also denied its application to move to East St. Louis, Ill., sustaining in part tbe Examiner in the same report.

In its decision the Commission found that the granting of the application for full time to WMBD and the denial of the license renewal application of WTAD "would result in a reduction in the facilities assigned the State of Illinois and the Fourth Zone which would tend toward the establishment of a more equal division of facilities between zones and a more equitable division among states."

RADIO EXTORTION BILL INTRODUCED

Representative Cellar of New York has introduced a bill (H. R. 6915) in the House "applying the powers of the Federal Government, under the commerce clause of the Constitution, to extortion bv means of telephone, telegraph, radio, oral messages, or otherwise." The bill, which has been referred to the House Committee on the Judiciary, is as follows:

"That whoever, with intent to extort from any person, firm, association, or corporation any money or otber tbing of value, shall transmit in interstate commerce, by telephone, telegraph, radio, or oral message, or by any other means wbatsoever, any threat (1) to injure the person, property, or reputation of any person, or the reputation of a deceased person, or (2) to kidnap any person, or (3) to accuse any person of a crime, or (4) containing any demand or request for a ransom or reward for the release of any kidnaped person, shall upon conviction be punished by imprisonment for such term of years as the court, in its discretion, shall determine: *Provided,* That the term 'interstate commerce' shall include communication from one State, Territory, or the District of Columbia, to another State, Territory, or the District of Columbia."

INTERNATIONAL RADIO COMMITTEE TO MEET

Senator Wallace H. Wbite, Jr., president of tbe American Section of the International Committee on Radio, has called a meeting at the University Club, Wasbington, D. C., on January 29th.

Officers will be elected at the meeting. The nominating committee includes: Lynne M. Lamm, chairman; Henry A. Bellows, L. G. Caldwell, Laurens E. Whittemore, and Armstrong Perry.

ROPER REPORT NEARLY READY

Secretary of Commerce Roper announced this week that bis Interdepartmental Committee on Communications expects to forward a final communications report to him very shortly in such shape tbat it can be transmitted to the President and transmitted by the latter to the Congressional committees having charge of radio legislation.

Secretary Roper also stated that wben tbe final report is made one section will be devoted to tbe subject of broadcasting in connection witb the President's suggestion that this be included in the general communications report.

LIBRARIAN'S REPORT CITES COPYRIGHT

The 36th Annual Report of tbe Register of Copyrights, addressed to the Librarian of Congress by William L. Brown, Acting Register of Copyrights, which has just been made public, quotes in full Senator Dill's bill for a revision of the copyright laws.

Concerning this proposal Mr. Brown says:

"It follows the present copyright law in many of its sections, but in others presents substantial changes and some novel features. Under its provisions copyright may be had by the author or any otber person entitled thereto, for published or unpublisbed works, and is obtained by fixing the notice upon the work. Conspicuously new is the provision for controlling licensing companies and performing rights societies in their licensing for public performance, particularly for radio broadcasting. Such societies and organizations must place on file in the Copyright Office lists of the music wbich they control and excessive fees may be protested before a designated arbiter in disputes. This provision follows quite closely the amendment recently added to tbe Canadian copyright law."

TELEVISION APPEAL DISMISSED

At the request of the appellants the appeal of the Sbortwave & Television Company in the Court of Appeals of the District of Columbia bas been dismissed. Tbe company appealed from a licensing decision of tbe Radio Commission but have decided to abide by that decision without appeal.

FEDERAL RADIO COMMISSION ACTION

HEARING CALENDAR

Monday, January 22, 1934

NEW—Ark-La-Tex Radio Corp., Shreveport, La.—C. P., **1210 kc.**, 100 watts, unlimited time (facilities of KWEA).

KWEA—International Broadcasting Corp., Shreveport, La.—Renewal, **1210 kc.**, 100 watts, unlimited time.

KWEA—Hello World Broadcasting Corp., Shreveport, La.—Voluntary assignment of license, **1210 kc.**, 100 watts, unlimited time.

Thursday, January 25, 1934

NEW—Western Pennsylvania Broadcasting Co., Greensburg, Pa.—C. P., **620 kc.**, 250 watts, daytime.

NEW—Jos. G. Mayer and C. R. Cummins, Erie, Pa.—C. P., **1420 kc.**, 100 watts, unlimited time.

Friday, January 26, 1934

WHOM—New Jersey Broadcasting Corp., Jersey City, N. J.—C. P., **1459 kc.**, 250 watts, 500 watts LS, unlimited time. Present assignment, **1450 kc.**, 250 watts, unlimited time.

APPLICATIONS GRANTED

First Zone

WCAX—Burlington Daily News, Inc., Burlington, Vt.—Granted special temporary authority to operate from 6 p. m. to 12 midnight, EST, on January 16, 1934.

WESG—Cornell University, Elmira, N. Y.—Granted authority to operate from 2 a. m. to 4:30 a. m., January 21, in order to broadcast DX program.

WCNW—Arthur Faske, Brooklyn, N. Y.—Granted modification of C. P. extending completion date to February 1, 1934.

WINS—American Radio News Corp., Carlstadt, N. J.—Granted authority to operate until 5:30 p. m., MST, during January.

WTAG—Worcester Telegram Pub. Co., Inc., Worcester, Mass.—Granted C. P. to make changes in equipment of auxiliary transmitter and to increase the power of auxiliary transmitter from 100 to 250 watts. (Station licensed to operate 250 watts night, 500 watts LS.)

WHDH—Matheson Radio Co., Inc., Boston, Mass.—Granted authority to determine operating power by direct measurement of antenna power.

Second Zone

WHP—WHP, Inc., Harrisburg, Pa.—Granted special temporary authority to operate from 2 to 2:30 p. m., EST, January 23, 24, 25, and 26, 1934, provided WBAK remains silent.

WBAK—Pennsylvania State Police, C. M. Wilhelm, Agent, Harrisburg, Pa.—Granted special temporary authority to operate from 4:30 to 5 p. m., EST, January 23, 24, 25, and 26, 1934, provided Station WHP remains silent.

WGBI—Scranton Broadcasters, Inc., Scranton, Pa.—Granted special experimental authority to March 1, 1934, to use 250 watts power experimentally in addition to regular assignment of 250 watts.

WSAZ—WSAZ, Inc., Huntington, W. Va.—Granted extension of special experimental authority to use 500 watts power experimentally in addition to regular power of 500 watts, to August 1, 1934.

WWVA—West Virginia Broadcasting Corp., Wheeling, W. Va.—Granted modification of license to change hours of operation from sharing with WOWO to simultaneous daytime operation with WOWO, sharing with WOWO at night.

Third Zone

WMAZ—Southeastern Broadcasting Co., Macon, Ga.—Granted authority to operate from 8 to 10 p. m. January 23 in order to broadcast special civic program, and from 7:15 p. m. to midnight January 30 in order to broadcast President's Ball. (Normal sign-off time during January 7:15 p. m., EST.)

WBRC—Frank M. King, as Receiver of the Birmingham Broadcasting Co., Inc., Birmingham, Ala.—Granted consent to voluntary assignment of license to Birmingham Broadcasting Co., Inc.

WBRC—Birmingham Broadcasting Co., Birmingham, Ala.—Granted C. P. to make changes in equipment.

KARK—Arkansas Radio & Equipment Co., Little Rock, Ark.—Granted modification of C. P. to make changes in equipment and extend commencement date from July 9, 1933, to January 1, 1934, and completion date to March 1, 1934.

WCOC—Mississippi Broadcasting Co., Inc., Meridian, Miss.—Granted special authority to operate daily from 7:30 to 9:30 a. m., 11 a. m. to 2 p. m., 6 to 9 p. m., until February 15, 1934.

WBBZ—James F. Kyler, Ponca City, Okla.—Granted special authority to operate Station WBBZ to April 1, 1934.

WHET—Troy Broadcasting Co., Dothan, Ala.—Granted license covering move of station and changing frequency, **1370 kc.**, 100 watts, daytime; specified hours on Sunday.

Fourth Zone

WMT—Waterloo Broadcasting Co., Waterloo, Iowa—Granted modification of license to increase day power from 500 watts to 1 KW.

WKBV—Knox Battery & Electric Co., Richmond, Ind.—Granted license covering changes in equipment and moving station from Connersville to Richmond, Ind.; **1500 kc.**, 100 watts, specified hours.

WCBS—WCBS, Inc., Springfield, Ill.—Granted license covering local move of transmitter; **1210 kc.**, 100 watts, shares with WTAX.

WOWO—The Main Auto Supply Co., Fort Wayne, Ind.—Granted modification of license to change hours of operation from sharing with WWVA to simultaneous daytime operation with WWVA, sharing with WWVA at night.

WIAS—Iowa Broadcasting Co., Ottumwa, Iowa—Granted C. P. to move to Cedar Rapids, Iowa, and consolidate with Station KWCR, giving the latter station full time on **1430 kc.** The consolidated station was given an increase in night power from 100 to 250 watts, and increase in day power from 250 to 500 watts.

WSUI—State University of Iowa, Iowa City, Iowa—Granted special temporary authority to operate from 10 p. m. to 12 midnight, CST, on February 2 and 16, 1934.

KSOO—Sioux Falls Broadcast Assn., Sioux Falls, S. Dak.—Granted special temporary authority to continue operating daily until 6:30 p. m., CST, and on Sunday nights beginning at 9:30 p. m., CST, with reduction of power to 1 KW.

WCFL—Chicago Federation of Labor, Chicago, Ill.—Granted extension of special experimental authority to operate unlimited time to August 1, 1934 (normally licensed limited time).

WDGY—Dr. Geo. M. Young, Minneapolis, Minn.—Granted license covering transmitter move within building; **1180 kc.**, 1 KW, limited time.

KWTO (formerly KGIZ)—KGBX, Inc., Springfield, Mo.—Granted license covering move of station from Grant City to Springfield, Mo., change in frequency, power and hours of operation; **560 kc.**, 500 watts, daytime.

WJJD—WJJD, Inc., Mooseheart, Ill.—Granted modification of license to move studio from Mooseheart to 201 N. Wells St., Chicago, Ill.

Fifth Zone

KVOR—S. H. Patterson, Colorado Springs, Colo.—Granted permission to operate to February 1 without approved frequency monitor, while making repairs.

KRKD—The Fireside Broadcasting Co., Los Angeles, Calif.—Granted modification of license to use auxiliary transmitter of KFSG as the auxiliary transmitter of KRKD.

KGHF—Curtis P. Ritchie and Geo. J. Ikelman, Pueblo, Colo.—Granted consent to voluntary assignment of license to Curtis P. Ritchie.

KWFV—Hilo Broadcasting Co., Ltd., Hilo, Hawaii—Granted modification of C. P. to move station from Haili Tract, Hilo, to Lot 6, Keaukaha So. Hilo, Waiakea, T. H., make changes in equipment, and extend commencement date to March 1 and completion date to July 1, 1934.

KIDO—Boise Broadcast Station, Boise, Idaho—Granted license covering changes in equipment; **1350 kc.**, 1 KW, unlimited time.

MISCELLANEOUS APPLICATIONS GRANTED

NEW—RCA Communications, Inc., on down town office building, New York City; NEW—New Brunswick, N. J.; NEW—Office building in center of city, Trenton, N. J.; NEW—Office building in center of city, Philadelphia, Pa.—Granted general experimental C. P. for high-speed facsimile, frequency 50,000 cycles, for experimental communication in order to make initial tests of proposed circuit between New York and Philadelphia.

W9XAO—Western Television Research Corp., Chicago, Ill.—Granted C. P. to move station locally in Chicago.

SET FOR HEARING

WSPA—Virgil V. Evans, Tr. as The Voice of South Carolina, Spartanburg, S. C.—C. P. to move station locally to a location to be determined; install new equipment; change frequency from **1420 kc.** to **920 kc.**; change power from 100 watts night, 250 watts day, to 2½ KW; and change unlimited hours of operation to daytime only.

NEW—N. Vernon Clark (location to be determined), Chester, S. C.—C. P. for new station; **1310 kc.**, 100 watts, daytime. Requests consideration under Rule 6 f.

KICK—The Palmer School of Chiropractic, Carter Lake, Iowa—C. P. to move station from Carter Lake to Davenport, make changes in equipment, change frequency from **1420 kc.** to **1370 kc.**, and change call letters to WOC if and when C. P. is granted.

KICK—Red Oak Radio Corp., Carter Lake, Iowa—Consent to voluntary assignment of license to The Palmer School of Chiropractic.

KFIZ—The Reporter Printing Co., Fond du Lac, Wis.—Modification of license to change frequency from **1420 kc.** to **1310 kc.**

WJAG—The Norfolk Daily News, Norfolk, Nebr.—Granted renewal of license on a temporary basis and set application for renewal for hearing.

KWJJ—KWJJ Broadcast Co., Inc., Portland, Ore.—Granted renewal of license on a temporary basis and set application for renewal for hearing.

WKZO—WKZO, Inc., Kalamazoo, Mich.—Special experimental authority to operate with 500 watts experimentally from sunset at Kalamazoo to 12 midnight. (Licensed to operate 1 KW daytime only.)

ORAL ARGUMENT DATE CHANGED

Oral argument before the Commission en banc changed from January 24 to February 21 on Examiner's Report No. 531. This is an application of Station WEVD to increase power from 500 watts to 1 KW.

APPLICATIONS RECEIVED

First Zone

WBAL—Consolidated Gas, Electric Light and Power Co. of Baltimore, Baltimore, Md.—Extension of special experimental authorization to synchronize with WJZ on **760 kc.**, 2½ KW, when WTIC operates on **1060 kc.**, until 8-1-34.

NEW—Northern Broadcasting Co., Inc., Laconia, N. H.—Construction permit to erect a new station to operate on **1310 kc.**, 100 watts, unlimited time, facilities WKAV, Laconia, N. H., amended to change unlimited time to daytime.

WJZ—National Broadcasting Co., Inc., New York, N. Y.—Extension of special experimental authorization, which expires 2-1-34, to use 50 KW for next six months.

WHN—Marcus Loew Booking Agency, New York, N. Y.—Authorization to determine operating power by direct measurement of antenna power.

Second Zone

WKAR—Michigan State College, East Lansing, Mich.—Modification of license to change specified hours, daytime, to unlimited, and change power from 1 KW day to 1 KW day, 500 watts night.

WLBW—Broadcasters of Pennsylvania, Erie, Pa.—Modification of license to increase power from 500 watts night, 1 KW to local sunset, to 1 KW, and move studio locally. Resubmitted and amended correctly.

WCAE—WCAE, Inc., Pittsburgh, Pa.—Modification of construction permit 2-MP-B-472 for extension of completion date to 3-1-34.

WGBI—Scranton Broadcasters, Inc., Scranton, Pa.—Special experimental authorization to operate with 500 watts until 3-1-34.

NEW—Pittsburgh Radio Supply House, Greensburg, Pa.—Construction permit to erect a new station to operate on **620 kc.**, 250 watts, daytime.

KDKA—Westinghouse Electric & Manufacturing Co., Pittsburgh, Pa.—License to cover construction permit to make changes in equipment (main transmitter).

KQV—KQV Broadcasting Co., Pittsburgh, Pa.—Special experimental authorization to operate unlimited time, simultaneously with WSMK, for period ending 5-1-34.

WSMK—Stanley M. Krohn, Jr., Dayton, Ohio—Special experimental authorization to operate unlimited time, simultaneously with KQV, for period ending 5-1-34.

WPEN and WRAX—Wm. Penn Broadcasting Co. and WRAX Broadcasting Co., Philadelphia, Pa.—Modification of construction permit to change transmitter and studio sites locally and extension of time.

Third Zone

KGKB—East Texas Broadcasting Co., Tyler, Tex.—License to cover construction permit 3-P-B-2931 to move studio and transmitter locally and make slight changes in equipment.

WMBR—F. J. Reynolds, Inc., Jacksonville, Fla.—License to cover construction permit to move studio and transmitter from Tampa to Jacksonville, Fla.

NEW—Voice of Longview, Longview, Tex.—Construction permit to erect new station to operate on **1370 kc.**, 100 watts, unlimited time, amended to operate daytime.

KLCN—Charles Leo Lintzenich, Blytheville, Ark.—License to cover construction permit 3-P-B-2692 (change transmitter and studio locally, equipment, and increase power).

WPFB—Otis P. Eure, Hattiesburg, Miss.—Modification of license to change hours of operation from unlimited to specified hours. Resubmitted and amended re hours of operation.

WJEM—Britt A. Rogers, Jr., Tupelo, Miss.—Modification of construction permit to extend date of commencement to 2-1-34 and date of completion to 5-1-34.

WENC—Americus Broadcast Corp., Albany, Ga.—Modification of construction permit to change transmitter and studio sites locally and install new equipment.

Fourth Zone

WIL—Missouri Broadcasting Corp., St. Louis, Mo.—Construction permit to install new equipment.

WTMJ—The Journal Company (The Milwaukee Journal), Milwaukee, Wis.—Special experimental authorization to increase power from 1 KW night and 2½ KW local sunset to 5 KW experimentally. Resubmitted on proper form.

WBBM—WBBM Broadcasting Corporation, Chicago, Ill.—Special experimental authorization to operate 3/7 time night, synchronized with KFAB experimentally during period from 2-1-34 to 9-1-34.

KFAB—KFAB Broadcasting Company, Lincoln, Nebr.—Special experimental authorization to operate 3/7 time night, synchronized with WBBM experimentally for period from 2-1-34 to 9-1-34.

WSBC—WSBC, Inc., Chicago, Ill.—Construction permit to make changes in equipment.

WHBL—Press Publishing Co., Sheboygan, Wis.—Construction permit to make changes in equipment.

Fifth Zone

None.

APPLICATIONS RETURNED

WPFB—Otis P. Eure, Hattiesburg, Miss.—Modification of license to change hours of operation from unlimited time to specified hours. (Request of applicant.)

NEW—Mathew B. Greiner, Canastota, N. Y.—Construction permit to erect a new station to operate on **1500 kc.**, 5 watts, specified hours. (Incomplete.)

WCAE—WCAE, Inc., Pittsburgh, Pa.—Modification of construction permit requesting extension of time. (Incomplete.)

NEW—Rt. Rev. Marino Priori, Indianapolis, Ind.—Construction permit to erect a new station. (Incomplete.)

NEW—Ark-La-Tex Radio Corp., Tuscaloosa, Ala.—Construction permit to erect new station to operate on **1290 kc.**, 250 watts, unlimited time, facilities of WAML. (Insufficient facilities requested.)

WSOC—WSOC, Inc., Charlotte, N. C.—Construction permit to install new equipment and increase daytime power from 100 watts to 250 watts. (Over quota and no facilities requested.)

WHAD—Marquette University, Milwaukee, Wis.—Modification of license to change studio location, change frequency from **1120 kc.** to **580 kc.**, to increase power from 250 watts to 500 watts, and change specified hours to 6 a. m. to 1 a. m. (Over quota and no facilities requested.)

WCBS—WCBS, Inc., Springfield, Ill.—Construction permit to increase daytime power to 250 watts local sunset, 100 watts night, and install new equipment. (Over quota and no facilities requested.)

APPLICATIONS DISMISSED

NEW—Voice of Southwestern Pennsylvania, Inc., Silverhaven, Pa.—C. P., **800 kc.**, 1 KW, L. T. sunset Dallas, Tex. (facilities of WNBO).

WTRC—Truth Publishing Co., Inc., Elkhart, Ind.—Modification of license, **1310 kc.**, 50 watts, 100 watts LS, for simultaneous operation night with WLBC.

NEW—Leo M. and John A. Carraras, West Philadelphia, Pa.—C. P. 484, **500 kc.**, 3 KW.

The National Association of Broadcasters

NATIONAL PRESS BUILDING ★ ★ ★ ★ ★ WASHINGTON, D. C.

PHILIP G. LOUCKS, Managing Director

NAB REPORTS

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COMMUNICATIONS REPORT TO CONGRESS

President Roosevelt this week transmitted to the Senate Committee on Interstate Commerce and the House Committee on Interstate and Foreign Commerce the communications report made to him by the Interdepartmental Communications Committee of which Secretary of Commerce Roper is chairman. The report will be printed as a Senate document in the near future.

In transmitting this report to Congress it was made known at the White House that it is not to be considered an administration proposal or policy but merely contains suggestions for the Congressional committees. After it has been studied, the President will probably have conferences with the members most interested in this legislation with regard to a general policy.

The difference between the first report made to the President by the committee and the second was that in the latter the views of the various members of the committee were given with their reasons therefor.

Statements in the report about broadcasting are very general. Secretary Roper feels, it is understood, that broadcasting requires a careful study. If the Congressional committees do not make such a study, the Secretary may have a committee make a study and report.

It is known that Senator Dill is progressing with his general Communications Commission bill which will not be ready for some time. Those parts of the Interstate Commerce Act which are needed for the new proposed Commission are being taken out and inserted in a new bill which is now reported to be 120 pages long. Of course, this will be drastically cut down before it is introduced.

There is considerable feeling in Congress in connection with a wire, cable, radio merger, but Senator Dill has pointed out that the Interstate Commerce Commission was organized years before any questions of merger came up and he feels now that the question of mergers can be left until later while there is nothing to prevent legislating on a Commission.

The question as to whether or not there will be any radio legislation at this session of Congress depends entirely now, it is said, on whether or not the Administration is anxious for it.

NEWSPAPER-RADIO GROUP IN SESSION

As this issue of NAB Reports goes to press, the press-radio group, considering the whole question of broadcasts of press association news, is in session in New York.

CODE AUTHORITY TO BEGIN WAGE STUDY

The Code Authority of the Radio Broadcasting Industry, at the conclusion of last week's sessions, voted to begin at once on the study of radio performers, their wages, hours of work and working conditions which study is made mandatory under the broadcasters' code. The Code Authority has already commenced its study of hours of work and wages for broadcast technicians.

During the sessions of the Code Authority last week, interpretations of various sections of the code were formulated and these interpretations are now before the NRA for approval. It is expected that these interpretations after approval will be printed and distributed among all stations.

A small number of stations have not sent in their rate cards and the Code Authority has set February 15 as the deadline.

Another job which the Code Authority must tackle is the recommending of a permanent Code Authority for the industry. The Managing Director has insisted that the NAB must ultimately become the Code Authority and it is hoped that 400 or more stations will become NAB members before March 15.

TAX COMMITTEE FILES MEMORANDUM

In response to a letter from the Bureau of Internal Revenue, the Tax Committee of the NAB has filed with the Bureau a memorandum containing facts relating to the rates of depreciation of broadcasting station equipment.

PROPOSE TAX ON INTERSTATE COMMERCE

A bill introduced by Congressman Swank and referred to the House Ways and Means Committee would grant the consent of the United States to the several states to tax property employed, and business done, in interstate commerce. The text of the measure follows:

"That each of the several states may levy and collect license, franchise, gross-revenue, registration, or any other forms of taxes upon, or measured by, any property employed, or business done, within such state, in interstate commerce, in the same manner and to the same extent as such taxes may be imposed under the constitution and laws of such state upon like property employed, and business done, in commerce wholly within the state, except that (a) in no case shall the tax imposed be at a greater rate than is assessed upon like property employed, and business done, in commerce wholly within the state, and (b) nothing contained in this act shall be construed to authorize the taxation of the same property and business by more than one state."

DOWLING OUT OF COMMISSION RACE

Eddie Dowling, the comedian, who was chairman of the Democratic National Committee's Entertainment Committee during the Roosevelt campaign, will not accept appointment to the Federal Radio Commission. This was made known this week simultaneously with the publication of an article on broadcasting in the current issue of Forum Magazine.

Recently appointed as government representative on the Code Authority for the Radio Broadcasting Industry, Dowling has gone on record as opposing government ownership of broadcasting stations, but he said he will lay before the President a plan to "end air monopoly by the two dominating networks." He says there should be at least six networks serving the country.

CONGRESS BESIEGED WITH PETITIONS

Petitions bearing the signatures of thousands of radio listeners have been filed in the House of Representatives protesting against "unjust censorship of radio broadcasting and urging the safeguarding of the inherent rights of the American people relative to the radio."

The nature of the petitions is set forth in three petitions signed by some 10,000 residents of Butler, Lawrence and Beaver counties, Pennsylvania, "protesting against certain wrongful interference with their rights, under the Radio Act, which provides for the broadcasting of that which is in the public interest. The message of the true God, Jehovah, as expressed by Him in the prophecies of His word (the Bible) and as now being given to the people of this Nation by Judge Rutherford and others of Jehovah's witnesses is of interest to us. When broadcast it is convenient for us to hear it in our homes and is necessary for our welfare. The National Broadcasting Co., the Columbia Broadcasting Co., the Roman Catholic hierarchy, and others, have wrongfully by threats, coercion, and other improper influence prevented many stations from broadcasting this message of truth, thus depriving stations of legitimate income and depriving millions of American citizens of the privilege of hearing what they wish to hear; and against this wrongful action we vigorously protest. Exercising the

right guaranteed to us by the Constitution of the United States, we therefore respectfully petition the Congress to act at once to safeguard tbe inherent rigbts of the American people relative to the radio."

All of the petitions have been referred to the Committee on Merchant Marine, Radio, and Fisheries.

RADIO REPORTER FINED FOR CONTEMPT

Adjudged guilty of contempt of court, Charles M. Hackett, Wilmington, Del., newspaper reporter and radio news commentator, was fined $300 by Judge David J. Reinhardt in Delaware General Sessions Court on January 17.

The cbarge of contempt grew out of comments Hackett is alleged to have made in a broadcast over Station WDEL, Wilmington, Del., relating to a liquor conspiracy theft trial. A mistrial was declared by Judge Reinhardt as a result of Hackett's statement.

Judge Reinhardt said that the statement made by Hackett "showed a reckless indifference to the facts in the case and related to matters not brougbt out at the trial."

One of four affidavits on which the contempt proceedings were based stated that Hackett said that the fact that Judge Reinhardt was sitting in the case was a "peculiar coincidence," as at the time the liquor was stolen David J. Reinhardt, Jr., son of the sitting judge, was chief deputy attorney general.

Hackett on the witness stand denied that he had said that. He said he had remarked that the fact that Judge Reinhardt was sitting was a "peculiar feature" of the trial. He declared that he did not intend tbat his remarks should be a reflection on the integrity of the court or bring ridicule upon it, and that if his statement had that effect he was willing to apologize.

Judge Reinhardt said tbe court would accept the apology, but considered it necessary to impose a penalty.

Chief Justice David J. Layton sat during the contempt proceedings with Judge Reinhardt.

At the liquor trial two former state policemen and a former state higbway employee were charged with conspiracy to steal seized liquor.

CALIFORNIA NEWSPAPER GETS STATION

The Federal Radio Commission on Friday acted on the California broadcasting station cases which have been pending for some time. The action was in connection with Report No. 512 of Examiner Ralph L. Walker.

The Commission denied the application of KECA to change its frequency from 1430 to 780 kilocycles, sustaining the Examiner.

Also the application of KFBK to change its frequency from 1310 to 1430 kilocycles was denied, sustaining the Examiner.

The application of the Don Lee Broadcasting System for the construction of a new station at Redlands, Calif., to use 780 kilocycles was denied, reversing the Examiner.

The Commission granted license renewal to Station KTM and granted it authority to voluntarily assign its license to the Evening Herald Publishing Company, reversing the Examiner.

License renewal was also granted KELW, with authority granted to assign its license to the Evening Herald Publishing Company, reversing tbe Examiner.

RECOMMENDS RENEWING KWEA LICENSE

The Ark-La-Tex Radio Corporation applied to the Radio Commission for authority to construct a new broadcasting station at Shreveport, La., to use 1210 kilocycles; KWEA, Shreveport, asked for license renewal and the same station asked for consent to voluntarily assign its license to the International Broadcasting Corporation.

George H. Hill (e) in his Report No. 538 this week recommends that the application of the Ark-La-Tex Radio Corporation be denied as in cases of default, tbat the Commission affirm its grant to the station to assign its license to the International Broadcasting Corporation and that its license be renewed.

The Examiner states that Ark-La-Tex Radio Corporation failed to offer any testimony in support of its application for a construction permit and that this "removes any interest that the applicant migbt have in the subject matter."

RECOMMENDS AFFIRMING KFAC ACTION

Station KFAC, Los Angeles, was granted full time on 1300 kilocycles by the Federal Radio Commission. Station KECA protested and the Commission suspended its action and tbe case was set for hearing.

George H. Hill (e) in his Report No. 537 this week recommends that the Commission affirm its grant to the station for full time. The Examiner states that "no substantial evidence is offered in support of the protest" of KECA, whicb would "warrant modification or revocation of the Commission's grant of applicant's application for modification of license.

SECURITIES ACT REGISTRATION

The following companies filed registration statements with the Federal Trade Commission under the Securities Act during the current week:

National Vermiculite Products Corporation, Chicago, Ill. (2-590).
Owings Mills Distillery, Inc., Baltimore, Md. (2-591).
Wayne M. Cory, Indianapolis, Ind. (2-592).
Financial Shares Corporation, Jersey City, N. J. (2-593).
Quarterly Income Shares, Inc., Jersey City, N. J. (2-594).
National Provident Foundation Syndicate, New York City, N. Y. (2-595).
A. & G. J. Caldwell, Inc., Newburyport, Mass. (2-596).
H. E. Walker Distillers and Brewers, Inc, Detroit, Mich. (2-597).

JAPANESE ENGINEER VISITS NAB

NAB Headquarters was visited this week by Mr. Noboru Marumo, Divisional Chief Engineer of the Broadcasting Corporation of Japan, who is making a tour of the world to inspect broadcasting activities. Mr. Marumo is visiting several United States stations, and expressed considerable interest in the unique features of American broadcasting procedure.

FOREIGN BROADCASTING STATIONS LISTED

The Bureau of Foreign and Domestic Commerce has published a list of foreign broadcasting stations, copies of which are obtainable from the Bureau for 25 cents eacb.

AUDITORY PERSPECTIVE DEMONSTRATION

Dr. Harvey Fletcher, of Bell Telephone Laboratories, will demonstrate auditory perspective before the Institute of Radio Engineers at the next New York meeting, Wednesday, January 31, at 8 p. m. The demonstration will comprise a repetition of thc experiments conducted by the A. T. & T. Co. last year between Philadelphia and Washington. As a large audience is expected, admission will be by ticket only.

RADIO EMPLOYMENT

In December the employment index number in the radio industry was 149.6 compared with 169.3 for November and 70.4 for December, 1932, taking 1926 at 100, according to the Bureau of Labor Statistics. Payroll index number in December was 112.6 compared with 131.9 for November and 50.9 for December, 1932.

FEDERAL RADIO COMMISSION ACTION

HEARING CALENDAR

Tuesday, January 30, 1934

NEW—Walter B. Stiles, Inc., Muskegon, Mich.—C. P., **1310 kc.**, 100 watts, unlimited time.

Thursday, February 1, 1934

WHBY—WHBY, Inc., Green Bay, Wis.—C. P., **1360 kc.**, 1 KW, unlimited time (facilities formerly assigned WJKS and facilities of WGES). Present assignment, **1200 kc.**, 100 watts, unlimited time.

WBOW—Banks of Wabash, Inc., Terre Haute, Ind.—C. P., **1360 kc.**, 500 watts, 1 KW LS, unlimited time (facilities of WGES). Present assignment, **1310 kc.**, 100 watts, unlimited time.

WGES—Oak Leaves Broadcasting Station, Chicago, Ill.—Renewal, **1360 kc.**, 500 watts (1 KW LS Sundays); shares with WJKS.

WSBT—South Bend Tribune, South Bend, Ind.—Modification of license, **1360 kc.**, 500 watts, specified hours (facilities formerly assigned WJKS). Present assignment, **1230 kc.**, 500 watts, specified hours.

WSBT—South Bend Tribune, South Bend, Ind.—Renewal, **1230 kc.**, 500 watts, specified hours.

WFBM—Indianapolis Power & Light Co., Indianapolis, Ind.—Modification of license, **1230 kc.**, 1 KW, unlimited time (facilities of WSBT). Present assignment, **1230 kc.**, 1 KW, specified hours.

Friday, February 2, 1934

KFYR—Meyer Broadcasting Company, Bismarck, N. Dak.—Modification of license, **550 kc.**, 1 KW, 2½ KW LS, unlimited time. Present assignment, **550 kc.**, 1 KW, 2½ KW LS, specified hours daily except Sundays; Sundays unlimited time .

KFDY—South Dakota State College, Brookings, S. Dak.—Modification of license, **780 kc.**, 1 KW, specified hours. Present assignment, **550 kc.**, 1 KW, specified hours.

APPLICATIONS GRANTED

First Zone

WSVS—Elmer S. Pierce, Principal, Seneca Vocational High School, Buffalo, N. Y.—Granted special temporary authority to operate from 8:15 to 9 p. m., EST, February 5, 19, and 26, 1934.

WJZ—National Broadcasting Co., Inc., New York City—Granted extension of special experimental authorization to operate with 50 KW for next 6 months.

WAAT—Bremer Broadcasting Corp., Jersey City, N. J.—Granted modification of C. P. to move transmitter locally in Jersey City; extent commencement and completion dates from October 30, 1933, to February 1, 1934, and from February 1, 1934, to May 1, 1934, respectively.

WSYB—Philip Weiss Music Co., Rutland, Vt.—Granted special temporary authority to operate from 11 a. m. to 12 noon, EST, Sundays, February 4, 11, 18 and 25, 1934, in order to broadcast local church services; and from 2 to 5 p. m. and 9 to 11 p. m., EST, February 23 and 24, 1934, in order to broadcast football tournament.

WQDM—A. J. St. Antoine and E. J. Regan, St. Albans, Vt.—Granted authority to operate from 8:30 to 9:30 p. m., EST, in order to broadcast President's Ball, January 30th.

WTIC—Travelers Broadcasting Service Corp., Hartford, Conn.—Granted authority to change frequency from **1060 kc.** to **1040 kc.** and operate simultaneously with KRLD for purpose of securing evidence for hearing on February 14th on applications of WBAL, KTHS, WTIC, and KRLD to make certain changes in the frequency and operate simultaneously.

Second Zone

KQV—KQV Broadcasting Co., Pittsburgh, Pa.—Granted authority to operate simultaneously with Station WSMK January 30 from 10 p. m. to 1 a. m., EST, in order to broadcast President's birthday program; February 1, 5, 13, 17, 21, 1934, from 10 to 11 p. m., EST, in order to continue broadcast of lacrosse game; February 2 and 22, 1934, from 10 p. m. to 12 midnight, EST, in order to broadcast boxing matches.

WAVE—WAVE, Inc., Louisville, Ky.—Granted license covering move of station from Hopkinsville to Louisville, Ky.; **940 kc.**, 1 KW, unlimited time.

WOSU—Ohio State University, Columbus, Ohio—Granted special temporary authority to operate from 11 to 11:50 a. m., EST, January 31 and February 1, 1934, provided Station WKBN remains silent.

Third Zone

KGKB—East Texas Broadcasting Co., Tyler, Tex.—Granted special temporary authority to operate from 10 to 11 p. m., CST, February 1, 1934, and from 9 to 11 p. m., CST, February 5, 8, 12, 15, 19, 22 and 26, 1934.

WPTF—WPTF Radio Company, Raleigh, N. C.—Granted extension of special experimental authority to operate until 8 p. m., PST, not to exceed term beyond August 1, 1934.

WFDV—Rome Broadcasting Corp., Rome, Ga.—Granted special temporary authority to operate from 9 p. m. to 12 midnight, CST, January 30, in order to broadcast President's birthday program.

WJEM—Britt A. Rogers, Jr., Tupelo, Miss.—Granted modification of C. P. to extend commencement date to February 1, 1934, and completion date to May 1, 1934.

WOAI—Southern Industries, Inc., San Antonio, Tex.—Granted modification of license to change name to Southland Industries, Inc.

WPTF—WPTF Radio Company, Raleigh, N. C.—Granted authority to operate simultaneously on night of January 30th until end of national broadcast in connection with birthday celebration for President Roosevelt.

Fourth Zone

KFJB—Marshall Electric Co., Inc., Marshalltown, Iowa—Granted special temporary authority to operate from 3 to 6 p. m. and from 9 p. m. to 12 midnight, CST, February 1, 2, 3, 5, 8, 9, 11, 15, 16, 20, 22, 23 and 27, 1934, and from 9 a. m. to 12 noon, CST, February 1, 2 and 3.

KFDY—South Dakota State College, Brookings, S. Dak.—Granted special temporary authority to operate from 8:30 to 9 p. m., CST, January 29 and February 5, 1934; from 8 to 8:30 p. m. and 8:45 to 9:15 p. m., CST, February 2, 1934, in order to broadcast basketball games, and from 8 to 9 p. m., CST, February 8, in order to broadcast Master Farmers program, provided KFYR remains silent. Also granted special temporary authority to operate from 6:30 to 8 p. m., CST, February 3, 10, 17 and 24.

KFYR—Meyer Broadcasting Co., Bismarck, N. Dak.—Granted special temporary authority to operate from 12:30 to 2 p. m., CST, February 3, 10, 17 and 24, 1934, provided KFDY remains silent.

WSBC—WSBC, Inc., Chicago, Ill.—Granted C. P. to make changes in equipment.

WMBH—W. M. Robertson, Joplin, Mo.—Granted special temporary authority to operate from 9:30 to 10 p. m., CST, February 3, 10, 17 and 24; and from 2:30 to 3:30 p. m., CST, February 4, 11, 18 and 25. Also granted special temporary authority to operate from 10:15 to 11:15 p. m., CST, on January 30, in order to broadcast President's birthday program.

KGBX—KGBX, Inc., Springfield, Mo.—Granted C. P. to install new equipment.

KICK—Red Oak Radio Corp., Carter Lake, Iowa—The Commission reconsidered and granted application for construction permit to move station from Carter Lake to Davenport, make changes in equipment, change frequency from **1420 kc.** to **1370 kc.**, and change call letters to WOC. Also granted voluntary assignment of license to The Palmer School of Chiropractic.

WLBC—Donald A. Burton, Muncie, Ind.—Granted authority to operate simultaneously with WTRC from 6:30 to 7:30 p. m., CST, on February 2, 9, 10, 16, 23 and 24, 1934.

KSOO—Sioux Falls Broadcast Association, Inc., Sioux Falls, S. Dak.—Granted C. P. to move transmitter locally and make changes in equipment.

KGFW—Central Nebraska Broadcasting Corp., Kearney, Nebr.—Granted permission to operate to February 1, 1934, without an approved frequency monitor, in order to make repairs.

WTRC—The Truth Publishing Co., Inc., Elkhart, Ind.—Granted authority to operate from 7:30 p. m. to 1 a. m., January 30, in order to broadcast President's birthday program.

Fifth Zone

KGIX—J. M. Heaton, Las Vegas, Nev.—Granted modification of C. P. to extend completion date to March 1, 1934.

KIEM—Harold H. Hanseth, Eureka, Calif.—Granted authority to operate night of January 30 in order to broadcast President's birthday program.

APPLICATIONS DISMISSED

The following applications, heretofore set for hearing, were dismissed at request of applicants:

WLEY—Albert S. Moffat, Lexington, Mass.—C. P., **1370 kc.,** 100 watts, 250 watts LS, unlimited time. Request to move to Lowell, Mass.

WHAT—Independence Broadcasting Co., Inc., Philadelphia, Pa.—Modification of license, **1310 kc.,** 100 watts, unlimited time, if WTEL vacates **1310 kc.** Not to operate when WCAM is on the air.

WHOM—New Jersey Broadcasting Co., Jersey City, N. J.—C. P., **1450 kc.,** 250 watts, 500 watts unlimited time.

KFEQ—Scroggin & Co. Bank, St. Joseph, Mo.—Special authority to operate daily 5 to 7 p. m. during November and December.

ORAL ARGUMENT GRANTED

The Commission granted oral argument in re Examiner's Report No. 533, stations WMBG, Richmond, Va., and WPHR, Petersburg, Va., to be heard February 7, 1934, at 10 a. m.

The Commission will hear oral argument on February 7 on Examiner's Report No. 524, the application of Wyoming Broadcasting Co., Cheyenne, for C. P. for a new station to operate on **780 kc.,** 500 watts night, 1 KW LS, unlimited time.

SET FOR HEARING

NEW—Earl Marvin Nail, Lubbock, Tex.—C. P. for new station to operate on **1310 kc.,** 100 watts, share with KFYO (facilities of KFYO).

KOL—Seattle Broadcasting Co., Seattle Wash.—C. P. to move transmitter locally, install new equipment, and increase day power from 1 KW to 2½ KW (facilities of KXA).

APPLICATIONS RECEIVED

First Zone

NEW—S. George Webb, Newport, R. I.—Construction permit to erect new station to operate on **1390 kc.,** 250 watts, unlimited time, amended to request **930 kc.**

WMAS—WMAS, Inc., Springfield, Mass.—License to cover construction permit to increase power and make changes in equipment.

NEW—American Radio Productions Institute, Inc., New York, N. Y.—Request for construction permit to erect new station to operate on **1400 kc.,** use power of 500 watts, unlimited time (facilities of stations WBBC, WLTH, WARD, and WVFW).

WTAG—Worcester Telegram Publishing Co., Inc., Worcester, Mass.—Construction permit to move transmitter from 52 Front Street to 20 Franklin Street, Worcester, Mass.

WGY—General Electric Company, Schenectady, N. Y.—Authority to determine power by direct antenna measurement.

WOKO—WOKO, Inc., Albany, N. Y.—Extension of special experimental authorization to operate unlimited time and simultaneous operation on **1430 kc.** with WHP, WFEA, WCAH, and WHEC for 90 days.

WHEC—WHEC, Inc., Rochester, N. Y.—Extension of special experimental authorization for simultaneous operation on **1430 kc.** with WOKO, WHP, WCAH, and WFEA.

NEW—John V. L. Hogan, 3104 Northern Blvd., Long Island City, N. Y.—C. P. for new experimental broadcast station, **1550 kc.,** 1 KW. Time of operation: Variable; such part of the full 24-hour day as is necessary for conduct of the planned research.

Second Zone

WHAS—The Courier-Journal Co. and The Louisville Times Co., Louisville, Ky.—License to cover construction permit 2-P-B-3008 to make changes in equipment and increase power from 25 KW to 50 KW.

WKOK—Charles L. Kremer, Receiver for Charles S. Blue, Sunbury, Pa.—Consent to involuntary assignment of license to Charles L. Kremer, receiver for Sunbury Broadcasting Corp., and Chas. S. Blue and Horace C. Blue, as affects their respective interests in WKOK.

WHP—WHP, Inc., Harrisburg, Pa.—Extension of special experimental authorization for simultaneous operation with WCAH, WFEA, WOKO, WHEC for period ending 5-1-34.

WCAH—Commercial Radio Service Co., Columbus, Ohio—Extension of special experimental authorization for simultaneous operation with WHP, WOKO, WHEC, and WFEA for 90 days.

NEW—Western Pennsylvania Broadcasting Co., Greensburg, Pa.—Construction permit to erect new station to operate on **620 kc.,** 250 watts power, daytime, amended to request **800 kc.**

WSAI—Crosley Radio Corporation, Cincinnati, Ohio—Extension of special experimental authorization for 90 days to use 1 KW night, 2½ KW local sunset, unlimited time, using special directional array.

Third Zone

KTUL—J. T. Griffin, Tulsa, Okla.—License to cover construction permit 3-P-B-2723 and modifications to change studio and transmitter locations and to change equipment.

WOAI—Southern Industries, Inc., San Antonio, Tex.—Modification of license to change name to Southland Industries, Inc.

WKBC—R. B. Broyles, tr/as R. B. Broyles Furniture Co., Birmingham, Ala.—Modification of construction permit to change frequency to **590 kc.,** increase power to 1 KW, and install new equipment.

WJDX—Lamar Life Insurance Co., Jackson, Miss.—Construction permit to increase power to local sunset from 1 KW to 2½ KW and change equipment.

Fourth Zone

WISN—American Radio News Corp., Milwaukee, Wis.—Modification of license to increase day power from 250 watts to 500 watts, L. S., 250 watts, night, specified hours. Amended to request unlimited time (facilities of WHAD).

WIBA—Badger Broadcasting Co., Madison, Wis.—Special experimental authorization to operate with additional power of 500 watts night for period ending April 1, 1934. Amended to be considered under Rule 6 (f and g).

WGES—Oak Leaves Broadcasting Station, Inc., Chicago, Ill.—Modification of license to change operation to unlimited time and increase power to 1 kilowatt (facilities of WCBD). Amended to request power of 1 kilowatt, local sunset, 500 watts, night.

WHAD—WHAD, Inc., Milwaukee, Wis.—Special experimental authority to operate on **580 kc.,** 1 KW power, unlimited time; change transmitter site (exact location to be determined), and install new equipment, limiting energy in the direction of stations on same frequency, for period ending 4-1-34.

NEW—L. M. Kennett, Indianapolis, Ind. (exact location to be determined)—C. P. for new experimental broadcast station, **1530 kc.,** 1 KW. Time of operation: Unlimited time experimentally.

Fifth Zone

NEW—Fred W. Christian, Jr., and Raleigh W. Whiston, d/b as Christian and Whiston, Norco, Calif.—C. P. for new experimental broadcast station, **1570 kc.,** 1 KW maximum. Time of operation: Unlimited. Propose to operate minimum of 10 hours daily—2 p. m. until midnight and in early morning hours for experimental transmission.

APPLICATIONS RETURNED

WBBX—Coliseum Place Baptist Church, New Orleans, La.—Modification of license requesting unlimited time (facilities of WJBW). (Filed by improper applicant.)

KARK—Arkansas Radio & Equipment Co., Little Rock, Ark.—Request to change transmitter site locally (improper form).

NEW—Victor Beverly Pitts, Raton, N. Mex.—Request for construction permit to erect new station to operate on **1500 kc.,** 100 watts, daytime, amended to change transmitter and studio sites locally. (Secs. 9, 14 and 16 incomplete.)

NEW—Boy Scouts of America, Troop No. 131 Bronx, Harry Goldman, Scoutmaster and Trustee, New York, N. Y.—Construction permit to erect new station to operate on **1350 kc.,** 250 watts, share time with WBNX (facilities of WBNX, New York, N. Y.). (Applicant's request.)

NEW—Mayland Broadcasting Co., Spruce Pine, N. C.—Construction permit to erect new station to operate on **900 kc.,** 100 watts power, unlimited or daytime. (Sections 14, 15, 18 and 20 incomplete.)

The National Association of Broadcasters

NATIONAL PRESS BUILDING ★ ★ ★ ★ ★ WASHINGTON, D. C.

PHILIP G. LOUCKS, Managing Director

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PRESIDENT ORDERS BROADCAST SURVEY

President Roosevelt has requested Secretary of Commerce Roper to appoint a committee to make a survey and report of radio broadcasting in connection with the administration's proposal to determine a definite policy with respect to communications of all kinds. The personnel of the committee, which will differ from the committee which recently completed a survey of the communications field, will be announced within a week or ten days. It is expected that the broadcast survey will take about six weeks to complete and will be undertaken as soon as the committee is named.

The Interdepartmental Committee on Communications filed its report with the President recently and the report was transmitted to Congress. Senator Clarence C. Dill, chairman of the Senate Committee on Interstate Commerce, had the first report printed as a government document for the use of members of his Committee.

After the broadcast report is completed the two documents will be used as a basis for the drafting of legislature upon which hearings will be held in either the Senate or House or both.

Because the report will be used as a basis for legislation, the broadcast survey is looked upon with great importance by the broadcast industry.

DILL FAVORS COMMUNICATIONS COMMISSION

Radio broadcasting should be left in private hands and Congress should follow the rules laid down by the Supreme Court of the United States in formulating new legislation, Senator Clarence C. Dill, chairman of the Senate Committee on Interstate Commerce, told the International Radio Committee at its annual meeting in Washington this week. He went on record as favoring the creation of a Communications Commission and declared that he believed this step should be taken before the propriety of telephone and telegraph mergers should be considered.

Future allocations should make provision for educational broadcasting, he said, expressing the opinion that this service should be placed in the high frequencies. School broadcasting is not popular in the broadcast band, he said.

During the course of his talk Senator Dill several times referred to the future of radio and gave it as his opinion that full development has not yet been reached in any branch of the art. The high standing of radio in the United States, said Senator Dill, is due in large part to the fact that it has been in private hands and not governmental.

Senator Dill spoke of many phases of the radio question with special emphasis on legislation particularly as applied to radio communication.

He referred to Supreme Court rulings on radio questions and expressed the opinion, in regard to legislation, that in future law making the Congress should leave the radio law principles as they are. The United States Supreme Court, he said, has decided that Congress has the power to regulate radio and has laid down the fact that there is no vested right in a radio frequency. In view of court rulings, said Senator Dill, "Congress in its future law making on this subject should not disturb the basic principles of the radio law."

Senator Dill devoted part of his talk to the subject of the recent so-called Roper Interdepartmental Communications Committee report and characterized it as "an excellent review—a fine contribution." The committee did a fine job, he said, but did not keep clearly in view the future development of radio.

The Senator dealt at some length with the general communication situation especially with regard to the international problem and expressed himself strongly as opposed to the organization of any international communications monopoly at this time. He pointed out very clearly, however, in this connection, that this does not mean that he is against legislation for a general Communications Commission. The Commission should come first, he said, make a study of such a merger and report on it before any legislation is enacted allowing it. The legislature, he said, "should assist and compel radio development."

Others who spoke at the meeting were Dr. C. M. Jolliffe, chief engineer of the Federal Radio Commission, who talked on the recent Mexican Radio Conference; Judge S. C. Bland, chairman of the House Committee on Merchant Marine, Radio and Fisheries; and Judge Eugene O. Sykes, chairman of the Radio Commission.

Senator Wallace H. White, Jr., of Maine, was elected president of the American Section for the coming year. Other officers elected include: John W. Guider, vice president; Howard S. LeRoy, treasurer; Paul M. Segal, secretary. Members of the Executive Council: William R. Vallance, chairman; A. L. Ashby, Thad H. Brown, J. H. Dellinger, F. P. Guthrie, and Henry A. Bellows.

F. R. C. FROWNS ON LIQUOR ADS

The long awaited announcement from the Federal Radio Commission on the subject of liquor advertising was forthcoming on February 2. The announcement follows:

"The Federal Radio Commission calls renewed attention of broadcasters and advertisers to that Section of the Radio Act of 1927 which provides that stations are licensed only when their operation will serve public interest, convenience and necessity, and asks the intelligent cooperation of both groups in so far as liquor advertising is concerned.

"Although the 18th Amendment to the Constitution of the United States has been repealed by the 21st and so far as the Federal Government is concerned there is no liquor prohibition, it is well known that millions of listeners throughout the United States do not use intoxicating liquors and many children of both users and non-users are part of the listening public. The Commission asks the broadcasters and advertisers to bear this in mind.

"The Commission will designate for hearing the renewal applications of all stations unmindful of the foregoing and they will be required to make a showing that their continued operation will serve public interest, convenience and necessity."

The announcement is not to be construed as a regulation. It is simply an expression of the Commission's attitude that liquor advertising, in some cases, might be against the public interest. Apparently the Commission took into consideration the fact that some states have not as yet passed statutes legalizing the sale of hard liquor within their respective borders while other states have enacted liberal statutes. The Commission also undoubtedly considered that the advertising of hard liquors might be so broadcast as to encourage the illegal sale of liquor to minors.

The repeal of the Reed amendment to the federal liquor laws removes any federal limitation upon liquor advertising of any kind and the Commission is without specific authority under the law to promulgate a formal regulation on the subject.

The Commission's statement is construed to relate only to hard liquors rather than beer and table wines.

RATE CARD DEADLINE FEBRUARY 15

The Code Authority for the Radio Broadcasting Industry has fixed February 15 as the deadline for the submission of rate cards in compliance with Article VII, Section 1, paragraph (a) of the code. The Code Authority has ruled that each station must supply three cards. Stations which have failed to send in cards should do so immediately as failure will result in being reported to the NRA.

On December 19 the Code Authority sent to all stations, with the approval of the NRA, questionnaires seeking information with respect to the employment of "broadcast technicians" as required by Article VI, Section 4 of the code. A few stations, it is reported, have not sent in filled-in questionnaires and the Code Authority will report on February 3 to the NRA the call letters of each station having failed to comply with the request.

CODE BLUE EAGLE APPROVED

The Code Authority for the Radio Broadcasting Industry will begin shortly the distribution of "Code Blue Eagles" for stations complying with the broadcasters' code.

The Code Blue Eagle was finally hatched this week and regulations governing its use have been approved by General Johnson. Distribution will be made by Code Authorities and each industry under permanent codes will have its own insignia.

"Each insignia, in addition to identifying the Code under which it is issued, will bear the registration number of the firm, corporation or individual entitled to display it," General Johnson explained. "They will be distributed by Code Authorities to subscribers, under regulations to be made public in a few days."

The letters "NRA" in blue appear between the outstretched wings of the new Code Eagle and under its talons the words "Code—(Trade or Industry Registration Number), 1934." In smaller type are also the words "Property of the United States—not for sale" and the patent design number. Counterfeiting or mutilation of the Blue Eagle is illegal.

The old Blue Eagle will designate only those who are still operating under the President's Reemployment Agreement in the future.

THEATERS FIGHT FREE RADIO SHOWS

The Legitimate Theater Code Authority voted this week to request the Motion Picture Code Authority to join in a protest to the Code Authority for the Radio Broadcasting Industry against the presentation of free radio shows in legitimate theaters.

RADIO PERFORMERS TO BE STUDIED

The Code Authority Committee, consisting of John Shepard, III, chairman; James W. Baldwin, and M. R. Runyon, will meet in New York on February 7 and 8 to begin the study of radio performers provided for in the Code. The meeting was previously scheduled for this week but illness made postponement necessary.

CODE AUTHORITY TO PUBLISH RULES

The Code Authority for the Radio Broadcasting Industry will publish within the next week a pamphlet containing explanatory comments upon the Code by the Code Authority, and rules and regulations or by-laws governing the administration of the Code Authority.

The NAB will send copies of this pamphlet to all members, each copy punched suitably for insertion in the NAB Handbook.

The comments contained in the pamphlet construe provisions of the Code and answer hundreds of questions which have arisen since the Code became effective on December 11.

CODE AUTHORITY ASSESSMENTS

Numerous inquiries have reached NAB headquarters with respect to invoices sent out by the Code Authority for the Radio Broadcasting Industry assessing stations for the cost of code administration.

These invoices were sent out by the Code Authority with the approval of the NRA under the provisions of Article VI, Section 8 of the Code, and in accordance with Article V, Section 2 of the Rules and Regulations of the Code Authority. This latter section provides that each broadcaster "shall pay to the Fiscal Agent of the Code Authority the sum of $200 per year for each radio broadcasting station classified by the Federal Radio Commission as a Clear Channel or High Power Regional Station; $50 per year for each radio broadcasting station classified by the Federal Radio Commission as a Clear Channel Part-Time or Low Power Regional Station; $25 per year for each radio broadcasting station classified by the Federal Radio Commission as a Low Power Part-Time Regional, Local Unlimited or Local Part-Time Station."

The assessments are levied for the purpose of paying the costs of administration of the Code and are levied upon all stations whether or not members of the NAB. All NAB members are urged to pay this assessment in order to participate in the future activities of the Code and in the selection of a permanent Code Authority when a recommendation for such permanent Code Authority is forthcoming. The Code Authority being an independent body, the assessments imposed by it are in no way related to the NAB or to the dues of the NAB.

BRIEF ON DEPRECIATION RATES

Disagreement over some of the rates of depreciation for broadcasting station equipment suggested by the NAB to the Bureau of Internal Revenue was forecast when the Bureau this week indicated that further conferences may be necessary.

In the brief filed by the Managing Director following numerous conferences with representatives of stations and manufacturers it was sought to prove that:

"1. The radio art is in a constant state of development as evidenced by changes which have transpired since the inception of broadcasting thirteen years ago.

"2. Broadcasting equipment is subject to a physical use 365 days each year during longer hours daily than is exacted from equipment used in most other industries.

"3. A radio transmitting plant is an integral unit and should be depreciated uniformly throughout at a rate of 25 per cent.

"4. Studio technical equipment should be depreciated at a rate of 25 per cent.

"5. A depreciation rate of 33 1/3 per cent should be allowed for portable and mobile equipment, due to the short useful life resulting from wear and tear which this type of equipment receives.

"6. Studio furniture and fixtures, due to the heavy wear and tear and long hours of use, warrant a 16 2/3 per cent depreciation.

"7. The four classifications recommended by the NAB are just and equitable and lend themselves to a proper administration of tax laws."

The brief was filed in response to a series of questions propounded by the Bureau to the NAB. The Bureau plans to issue a formal bulletin on the subject of station depreciation rates at a future date.

AUDITORY PERSPECTIVE DEMONSTRATED

Dr. Harvey Fletcher, director of acoustic research of the Bell Telephone Laboratories, demonstrated high fidelity sound reproduction before the Institute of Radio Engineers in New York City, January 31.

The demonstration, which made a marked impression upon a critical audience, comprised a series of experiments designed to display the advantages gained by employment of the unusual features of the system. The high fidelity was shown to be the result of the use of auditory perspective, obtained by a plurality of independent sound channels, a wide frequency range (40 cycles to 15000 cycles), and a wide volume range (approximately 70 decibels).

The effects of volume compression and of volume expansion were demonstrated. It was noteworthy that compression of the volume range to 30 decibels, such as is common in broadcasting transmission, was undesirable.

The effects of limiting the frequency range aroused considerable interest. By the use of filters, the higher frequency response was limited to 8000 cycles, and then to 5000 cycles. Limitation of high frequency response to 5000 cycles, which is a limitation commonly found in many broadcasting transmitter installations, produced a change in quality generally considered objectionable. Limitation of response to 8000 cycles caused little change except in the reproduction of certain types of high-frequency sounds, such as that of the triangle. Reproduction having limitation of low-frequency response was also demonstrated. Reproduction having both low and high frequency response definitely limited, as is the case with nearly every commercially-built radio broadcast receiver ever sold to the public, produced a markedly unfavorable reaction among the audience. The conclusion was inescapable that program reproduction such as is generally obtainable from average broadcast receivers is, compared with the system demonstrated, of inadequate fidelity.

WALTER A. DEALEY, WFAA, DEAD

The NAB has just learned with much regret of the death of Walter A. Dealey, vice president of the A. H. Belo Corporation, and builder of Station WFAA, Dallas, Texas.

While his life work and his great interest lay in the newspaper publishing field, he was a pioneer among those able to realize the future and the possibilities of broadcasting. Station WFAA, with its 50,000 watts, stands as a monument to Mr. Dealey's thirteen years of radio activity.

Following his sudden death at the age of 43 years last Tuesday, both the Texas House and Senate adopted resolutions expressing regret at the passing of Mr. Dealey.

Broadcasting and publishing has lost an outstanding executive; Texas lost a valuable citizen; the NAB lost a true friend.

DON LEE APPEALS TO COURTS

The Don Lee Broadcasting Company this week filed an appeal in the Court of Appeals of the District of Columbia against a decision of the Federal Radio Commission of January 26 denying construction application to the Lee company for a new station at Redlands, Calif., granting license renewals to stations KTM and KELW and assignments of those licenses to the Evening Herald Publishing Company.

McFADDEN ASKS RADIO INVESTIGATION

Representative McFadden of Pennsylvania this week made a lengthy speech on the floor of the House in connection with freedom of speech. He made reference to the cancellation of a quarter-hour news period which was taken off the air to enable the Postmaster General to reach the country.

Said Mr. McFadden in part:

"There is now before the proper committee of this body a resolution calling for a full investigation into the conduct of the radio business in the United States. I introduced that resolution in the last Congress and it is still alive. No action has been taken upon it. Like many other matters pending before this Congress, no attention will be paid to it unless it has Presidential approval. Will the administration get Presidential approval of this?

"Will the Rules Committee put that resolution upon its passage, and will the majority pass it and conduct a full and impartial investigation? No Member of this House who reads his mail can say that there is no public demand for such an investigation. You all know that there is, and you all know that the radio situation should be dealt with by Congress and that without further delay."

STATIONS ON 600 KC GET POWER BOOST

The Radio Commission on Friday authorized Station WCAO, Baltimore, to increase its power from 250 to 500 watts, sustaining Examiner Ralph L. Walker in his Report No. 520. The Examiner was also sustained in the same report when the Commission authorized Station WICC, Bridgeport, Conn., to increase its power from 250 to 500 watts. The Commission, in the same decision, granted Station WCAC, Storrs, Conn., permission to increase its power from 250 to 500 watts and substituted the name of the Connecticut State College for the Connecticut Agricultural College.

In its decision in connection with these stations the Commission found that "the applicant concerned in each application is qualified legally, technically and financially," and the broadcast service of each is "meritorious." It was found that the additional power would in each instance "improve the service of the applicant station." It was further found that "the granting of the three applications would tend toward the establishment of a more equal distribution of radio broadcast facilities between zones and a more equitable distribution among stations."

1430 KC ASSIGNMENTS MADE PERMANENT

Station WOKO, Albany, N. Y., was granted permission on Friday to change its frequency from 1440 to 1430 kilocycles, and WHEC, Rochester, N. Y., was granted the same change. Both of these stations were allowed to change their assignment of hours from daytime and part nighttime to unlimited time. In this the Commission upheld Examiner R. L. Walker in his Report No. 527.

In the same decision the Commission granted Station WCAH, Columbus, Ohio, permission to increase its daytime power from 500 to 1,000 watts and change its operating time from part to unlimited time, reversing the Examiner. Station WHP, Harrisburg, Pa., was granted permission to change its hours of operation from specified hours, sharing with WCAH at night, to unlimited time, sustaining the Examiner in part.

WFEA, Manchester, N. H., was denied license renewal on 1430 kilocycles.

The Commission found in its decision that the program service of all of these stations is meritorious and "important to the interest and convenience of the large numbers of residents in the areas of the stations concerned." The Commission also found that the operation of stations WHEC, WCAH, WHP and WOKO simultaneously on the frequency of 1430 kilocycles has been demonstrated to be practicable.

WFEA MOVES TO PORTLAND, MAINE

Charles W. Phelan has been denied his application for a construction permit for a new station at Portland, Maine, by the Radio Commission in sustaining former Chief Examiner Ellis A. Yost in his Report No. 488. The Portland Publishing Company was denied a construction permit to erect a station at Portland, Maine, in the same case. Station WQDM, St. Albans, Vt., was denied its application to increase its power from 100 to 1,000 watts and to change its frequency from 1370 to 1340 kilocycles. Station WRDO was denied permission to move from Augusta to Portland, Maine. Station WFEA, Manchester, N. H., was granted permission to make a change in its frequency from 1430 to 1340 kilocycles experimentally subject to conditions prescribed by the Commission.

The Commission found that the allocation of additional facilities for radio service at Portland "would tend toward the establishment of an inequitable distribution of facilities within that state."

A. F. OF M. FAVORS SPREADING EMPLOYMENT

Local unions affiliated with the American Federation of Musicians have been urged to place in effect at radio stations a plan of "limited staggering" of musicians. President Weber has expressed the expectation that employers will cooperate in spreading employment among musicians, in his communication to locals. Recognizing that radio broadcasting stations require specialized services, President Weber has pointed out that only fully qualified musicians should be permitted to act as substitutes and that substitution should be done in such manner that the employer always receives first-class services.

ADVOCATES SCALE FOR RADIO PERFORMERS

In a lengthy report of a survey of broadcasting, Frank Gillmore, president of Actors' Equity Association, proposes a wage scale for radio performers. The scale is similar to that advocated by this group at the public hearings on the broadcasters' code and which was rejected in favor of a study of the whole subject by the broadcasters' Code Authority. The proposals follow:

Live Programs

For Class "A" Programs— Sustaining: minimum wage, $20 per performance; commercial, $40 per performance. Class "A" programs are those broadcast after 6 o'clock in the evening over a chain of not less than five stations for a single performance. Class "A" programs are also those single broadcasts given after 6 p. m. from a single station whose charges are based upon an advertising card-rate of $400 or over per evening hour. Morning and afternoon programs, minimum wage: sustaining, $12.50 per performance; commercial, $35 per performance.

When an artist is engaged to perform as part of the entertainment on a commercial program for three or more periods within a week, the minimum wage will not be less than $25 per broadcast.

For Class "B" Programs—Sustaining, $12.50 per performance; commercial, $25 per performance. Class "B" programs are those taking place in the morning or afternoon over a chain of not less than five stations for a single broadcast. Class "B" programs are also those given after 6 o'clock in the evening over a single station whose charges are based upon an advertising card-rate of $280 and under $400 per evening hour. Morning and afternoon programs: sustaining, $10 per performance; commercial, $15 per performance.

When an artist is engaged to perform as part of the entertainment on a commercial program for three or more periods within a week, the minimum wage will not be less than $15 per broadcast.

For Class "C" Programs—Sustaining, $10 per performance; commercial, $15 per performance. Class "C" programs are those broadcast after 6 o'clock in the evening from a single station whose charges are based upon an advertising card-rate of over $100 and under $250 per evening hour. Morning and afternoon programs: sustaining, $7.50 per performance; commercial, $12.50 per performance

When an artist is engaged to perform as part of the entertainment on a commercial program for three or more periods within a week the minimum wage will be not less than $7.50 per broadcast.

It is recognized that there are many smaller stations, but as these rarely employ professional talent, *i. e.*, artists who make their living out of radio performances, no regulations are made regarding them.

Including rehearsals, a performance shall constitute 3½ hours. Overtime shall be at the rate of half-pay for each 3 hours or part thereof.

The call of the director establishes the hour at which a rehearsal commences.

One-half of the wage scale shall be paid for "repeat" performances on the air, following within 12 hours of the original performance. An artist "doubling" rôles containing more than 50 words is to be paid at least one-half the minimum wage for each rôle "doubled."

It shall be unfair practice for any employment agent, artists' bureau, or others to charge the artist more than 10 per cent net for securing employment for the artist, and the total of all commissions payable by the artist shall not exceed said 10 per cent.

Artists called to the studio at the scheduled time of the broadcasting, or to the dress rehearsal immediately prior thereto, and who report ready for performance, are to be paid whether or not they go on the air.

Auditions

All "live" auditions given for a prospective program buyer are to be paid for by the prospective buyer, the basis for such compensation being one-half the minimum wage for commercial performances for artists participating in said program, calculated on the basis of the class rate applicable to the station contemplated to be used, or if a group of stations, the highest classification within the group.

Recordings may be made of such "live" auditions by or at the expense of the program producer, the future use of such recordings being restricted as follows: Every prospective advertising sponsor (meaning advertiser as distinct from advertising agent) shall be required to pay to listen to any recorded radio program and the fee therefor shall be on the basis of compensation at one-half the minimum wage for commercial performances for artists participating in said program when broadcast.

INSTITUTE FOR EDUCATION BY RADIO

The fifth meeting of the Institute for Education by Radio will be held at Ohio State University, Columbus, Ohio, on Monday, Tuesday and Wednesday, April 30 to May 2. This fifth meeting marks a milestone in radio broadcasting and the papers and discussions at the meeting will be an appraisal of what has happened in the last five years. Interesting and informed speakers have already been secured and the complete program will be announced shortly.

QUOTA UNITS REVISED BY F. R. C.

The Federal Radio Commission announced on February 3, 1934, the following tabulation of quota assignments to the various states and zones, as of January 20, 1934:

ZONE 1

State	Quota Units Due	Quota Units Assigned	Quota Units under or over	Per cent under or over
N. Y.	35.07	37.97	+ 2.90	+ 8
Mass.	11.84	11.11	— 0.73	— 6
N. J.	11.26	11.85	+ 0.59	+ 5
Md.	4.55	4.20	— 0.35	— 8
Conn.	4.48	4.00	— 0.48	— 11
P. R.	4.30	1.10	— 3.20	— 74
Me.	2.22	2.21	— 0.01	— 0
R. I.	1.91	1.40	— 0.51	— 27
D. C.	1.35	1.30	— 0.05	— 4
N. H.	1.20	0.83	— 0.46	— 36
Vt.	1.00	0.62	— 0.38	— 38
Del.	0.67	0.53	— 0.14	— 21
V. I.	0.06	...	— 0.06	—100
Total	80.00	77.12	— 2.88	— 4

ZONE 2

Pa.	27.63	24.98	— 2.65	— 10
Ohio	19.07	19.74	+ 0.67	+ 4
Mich.	13.89	10.61	— 3.28	— 23
Ky.	7.50	8.50	+ 1.00	+ 13
Va.	6.95	9.50	+ 2.55	+ 37
W. Va.	4.96	5.53	+ 0.57	+ 11
Total	80.00	78.86	— 1.14	— 1

ZONE 3

State	Quota Units Due	Quota Units Assigned	Quota Units under or over	Per cent under or over
Texas	16.22	23.12	+ 6.90	+ 43
N. Car.	8.82	9.75	+ 0.93	+ 11
Ga.	8.10	8.35	+ 0.25	+ 3
Ala.	7.37	6.52	— 0.85	— 12
Tenn.	7.29	12.80	+ 5.51	+ 76
Okla.	6.67	8.44	+ 1.77	+ 27
La.	5.85	8.39	+ 2.54	+ 43
Miss.	5.60	3.28	— 2.32	— 41
Ark.	5.16	5.40	+ 0.24	+ 5
S. Car.	4.83	2.00	— 2.83	— 59
Fla.	4.09	8.45	+ 4.36	+107
Total	80.00	96.50	+16.50	+ 21

ZONE 4

Ill.	22.52	27.73	+ 5.21	+ 23
Mo.	10.71	12.00	+ 1.29	+ 12
Ind.	9.56	7.87	— 1.69	— 18
Wisc.	8.67	7.99	— 0.68	— 8
Minn.	7.57	9.08	+ 1.51	+ 20
Iowa	7.30	11.80	+ 4.50	+ 62
Kans.	5.55	6.05	+ 0.50	+ 9
Nebr.	4.06	7.36	+ 3.30	+ 81
S. Dak.	2.05	2.97	+ 0.92	+ 45
N. Dak.	2.01	2.99	+ 0.98	+ 49
Total	80.00	95.84	+15.84	+ 20

ZONE 5

Calif.	36.86	38.14	+ 1.28	+ 3
Wash.	10.15	15.59	+ 5.44	+ 54
Colo.	6.72	9.24	+ 2.52	+ 38
Ore.	6.19	9.22	+ 3.03	+ 49
Mont.	3.49	3.85	+ 0.36	+ 10
Utah	3.30	6.60	+ 3.30	+100
Idaho	2.89	3.00	+ 0.11	+ 4
Ariz.	2.83	2.66	— 0.17	— 6
N. Mex.	2.75	4.03	+ 1.28	+ 47
Hawaii	2.39	1.90	— 0.45	— 19
Wyo.	1.46	0.60	— 0.86	— 59
Nev.	0.59	0.70	+ 0.11	+ 19
Alaska	0.38	0.48	+ 0.10	+ 26
Total	80.00	96.05	+16.05	+ 20

WEEKLY RADIO ADVERTISING TALKS

Scripts for the first four weekly radio talks in the new series of "Short Talks on Advertising" are being mailed this week to more than 200 radio stations which are cooperating in all parts of the country in the presentation of this educational program conducted by the Bureau of Research and Education of the Advertising Federation of America. The first talk is being released for broadcasting the week of February 11-17. Affiliated Advertising Clubs are cooperating by providing speakers to present these addresses and arousing local interest in the program.

U. S. CHAMBER OPPOSES CENSORSHIP

A set of principles, recommended for consideration in any enactment of new food and drug legislation, formulated by the Domestic Distribution Committee of the Chamber of Commerce of the United States, was sent to the Senate Committee on Commerce today by Henry I. Harriman, president of the Chamber.

The proposals of the Committee cover various features of pending legislation. The recommendations are:

"There should be legislation requiring the same truthfulness in advertising, with respect to foods, drugs and cosmetics, as in the labeling of articles to which federal labeling laws apply.

"The value of proper advertising as an economical and efficient means of distribution should be maintained as in the public interest, and all attempts to restrict it as a means of reaching and developing markets should be resisted.

"Government imposition of censorship in any form upon advertising is an attempt at inexcusable intrusion into private business affairs and should be opposed.

"Discretionary powers to impose conditions upon manufacture and distribution should be granted to administrative agencies only

wbere and to tbe extent clearly necessary for tbe effective enforcement of proper federal laws.

"Legislative and administrative provisions in the Food and Drug Laws, as well as penalties for their violation, should bear a definite relationship to the protection needed in the public interest.

"Industry itself sbould continue its progress in arriving at standards of quality for articles to which such standards can properly be applied."

NAB REPORTS ARE INDISPENSABLE

Tbe new Constitution and By-Laws classifies all stations as active members and requires educational and religious stations to pay the minimum dues of $30 a year. A large percentage of former associate members have willingly accepted this cbange in status, but Station KFSG, Los Angeles, Calif., wbich sells no time, is enthusiastic about the arrangement. A letter says:

"Station KFSG has been an associate member of your splendid organization since its inception and I have found your publications and bulletins as much a necessity to the well-being and success of a radio station as tbe towers tbat support the antenna."

NO COMPETITION IN LITTLE AMERICA

Station KFZ, tbe Columbia Broadcasting System's newest station and tbe first broadcasting station on tbe Antarctic continent, was formally opened on February 3, Admiral Richard E. Byrd notified Herbert L. Pettey, Secretary of tbe Federal Radio Commission, in a radiogram.

"One thing to be said for it is that it won't suffer from competition," Admiral Byrd said in bis message to Pettey.

For tbe present tbe transmitter will be boused in a tent, altbough a shack will be constructed as soon as weatber conditions permit.

Tbe Federal Radio Commission on January 23 granted a license for one year to Admiral Byrd for the operation of Station KFZ for a fixed private point-to-point telegrapb and point-to-point telephone service. Tbe frequencies to be used are tbe sbip frequencies above 3000 kilocycles and 6650, 6660, 6670, 8820, 8840, 13185, 132000, 13230, 13245, 13260, 17600, 17620, 21575, 21600, 21625 kilocycles.

Admiral Byrd will test tbe characteristics of tbe different frequencies assigned to him and will use in his broadcasts to the United States those most suitable for transmission from Little America.

FEDERAL RADIO COMMISSION ACTION

HEARING CALENDAR

Monday, February 5, 1934

WDBJ—Times-World Corporation, Roanoke, Va.—Modification of license, **930 kc.,** 500 watts, unlimited time. Present assignment, **930 kc.,** 250 watts, 500 watts LS, unlimited time.

Tuesday, February 6, 1934

WGAL—WGAL, Inc., Lancaster, Pa.—Modification of license, **1500 kc.,** 100 watts, unlimited time (facilities vacated by WPEN). Present assignment, **1310 kc.,** 100 watts, shares with WRAW.

WTEL—Foulkrod Radio Engineering Co., Pbiladelphia, Pa.—Modification of license, **1500 kc.,** 100 watts, unlimited time (facilities vacated by WPEN). Present assignment, **1310 kc.,** 100 watts, shares witb WHAT.

WRAW—Reading Broadcasting Co., Reading, Pa.—Modification of license, **1310 kc.,** 100 watts, unlimited time. Present assignment, **1310 kc.,** 100 watts, sbares with WGAL.

Wednesday, February 7, 1934

Oral Argument Before Commission en banc

NEW—Wyoming Broadcasting Co., Cbeyenne, Wyo.—C. P., **780 kc.,** 500 watts, 1 KW LS, unlimited time.

WMBG—Havens & Martin, Inc., Richmond, Va.—C. P., **1210 kc.,** 100 watts, 250 watts LS, unlimited time, except Sundays. Present assignment, **1210 kc.,** 100 watts, unlimited time, except Sundays.

WPHR—WLBG, Inc., Petersburg, Va.—Renewal, **1200 kc.,** 100 watts, 250 watts LS, unlimited time.

APPLICATIONS GRANTED

First Zone

WTIC—Travelers Broadcasting Service Corp., Hartford, Conn.—Granted special temporary autbority to begin operating simultaneously with Station KRLD January 27 instead of February 1, on frequency of **1040 kc.,** 50 KW power, during experimental period, for 15 days.

WHN—Marcus Loew Booking Agency, New York City—Granted authority to determine operating power by direct measurement of antenna power.

WGY—General Electric Co., Scbenectady, N. Y.—Granted autbority to determine operating power by direct measurement of antenna power.

WBAL—Consolidated Gas, Electric Ligbt and Power Co. of Baltimore—Granted extension of special experimental authority to synchronize witb WJZ on **760 kc.,** 2½ KW, when WTIC operates on **1060 kc.,** until 8-1-34.

WOKO—WOKO Inc., Albany, N. Y.—Granted same as above, except operation witb stations WHP, WCAH, WFEA, and WHEC.

WHEC—WHEC, Inc., Rochester, N. Y.—Granted same as above, except operation with stations WOKO, WHP, WCAP, and WFEA.

WAGM—Aroostook Broadcasting Corp., Presque Isle, Maine—Granted special temporary authority to operate from 9 p. m. to 12 midnight, January 30, in order to broadcast President's Ball.

Second Zone

WRAX—WRAX Broadcasting Co., Pbiladelphia, Pa.—Granted renewal of license on a temporary basis subject to the condition that it may be cancelled by the Commission at any time without advance notice or hearing wben a regular license is granted for tbe operation of tbis station at new location on frequency of **920 kc.,** and subject to such action as tbe Commission may take on pending applications for the frequency herein authorized to be used.

WCAE—WCAE, Inc., Pittsburgb, Pa.—Granted modification of C. P. extending completion date from 2-1-34 to 3-1-34.

WPEN—Wm. Penn Broadcasting Co.; WRAX—WRAX Broadcasting Co., Philadelpbia, Pa.—Granted modification of C. P. to change transmitter and studio locations locally in Pbiladelpbia, extend commencement date to 30 days from tbis date, and completion date to June 1, 1934.

KDKA—Westinghouse Electric and Manufacturing Co., Pittsburgh, Pa.—Granted license covering cbanges in equipment; **980 kc.,** 50 KW, unlimited time.

WHAS—Tbe Courier-Journal Co. and the Louisville Times Co., Louisville, Ky.—Granted license covering changes in equipment and increase in power; **820 kc.,** 50 KW, unlimited time.

WHP—WHP, Inc., Harrisburg, Pa.—Granted extension of special experimental authority, expiring February 1, 1934, to operate unlimited time nigbt, specified bours day, witb WCAH, WFEA, WOKO, and WHEC on **1430 kc.,** pending action on formal application, for period ending May 1, 1934.

WCAH—Commercial Radio Service Co., Columbus, Obio—Granted same as above except operate witb stations WHP, WOKO, WHEC, and WFEA.

WJBK—James F. Hopkins, Inc., Detroit, Micb.—Granted special temporary authority to operate from 8 to 9 p. m., EST, February 1, 4, 6, 8, 11, 15, 18, 22, 25 and 27, 1934, in order to broadcast hockey games, provided WIBM remains silent.

Third Zone

WRAM—Wilmington Radio Assn., Inc., Wilmington, N. C.—Granted C. P. to move station from Wilmington to Durbam, N. C., make changes in equipment, and change frequency from **1370 kc.** to **1500 kc.**

KLCN—Charles Leo Lintzenich, Blytbeville, Ark.—Granted license covering local move of station, installation of new equipment, and changing power from 50 to 100 watts; **1290 kc.,** daytime.

WPFB—Otis Perry Eure, Hattiesburg, Miss.—Granted modification of license to reduce bours of operation from unlimited to specified.

KWKH—International Broadcasting Corp., Sbreveport, La.—Granted renewal of license on a temporary basis, pending action by tbe Court of Appeals in tbe case of Loyola University (WWL) and Ark-La-Tex Radio Corp., requesting facilities of KWKH.

WENC—Americus Broadcast Corp., Americus, Ga.—Granted authority to remain silent for 30 days pending construction.

KGKB—East Texas Broadcasting Co., Tyler, Tex.—Granted license covering local move of station and cbanges in equipment; **1500 kc.,** 100 watts, specified hours.

WMBR—F. J. Reynolds, Inc., Jacksonville, Fla.—Granted license covering move of station from Tampa to Jacksonville, Fla.; **1370 kc.,** 100 watts, unlimited time.

Fourth Zone

KUSD—University of South Dakota, Vermillion, S. Dak.—Granted authority to operate from 10:30 a. m. to 12 noon February 6 in order to broadcast intercollegiate debate. (Involves simultaneous operation with WILL 10:30 to 11 a. m.)

WBBM—WBBM, Broadcasting Corp., Chicago, Ill.—Granted special experimental authority to extend authority to operate synchronously with KFAB 3/7 nighttime as follows: February 1 to April 29 from 10 p. m. to 12 midnight, and April 29 to August 1 from 9 p. m. to 12 midnight. Also to operate auxiliary transmitter in the same manner.

KFAB—KFAB Broadcasting Corp., Lincoln, Nebr.—Granted same with WBBM, except not for auxiliary.

WHBU—Anderson Broadcasting Corp., Anderson, Ind.—Granted authority to remain silent during adjustment and reconstruction of station destroyed by fire, pending filing and action on formal application for C. P.

KGFK—Red River Broadcasting Co., Inc., Moorhead, Minn.—Granted C. P. to move transmitter and studio from Moorhead to Minnesota Point, Duluth, Minn.

WHBL—Press Publishing Co., Sheboygan, Wis.—Granted C. P. to make changes in equipment from high to low level modulation.

WMBH—W. M. Robertson, Joplin, Mo.—Granted same as above, except hours of operation from 9:30 to 11:15 p. m., CST.

Fifth Zone

KXA—American Radio Telephone Co., Seattle, Wash.—Granted extension of special experimental authority to operate simultaneously with WJZ from local sunset to 10 p. m., PST, using 250 watts experimentally, for period February 1, 1934, to August 1, 1934.

APPLICATIONS DISMISSED

The following applications, heretofore set for hearing, were dismissed at request of applicants:

KGAR—Tucson Motor Service Co., Tucson, Ariz.—Modification of license; facilities of KVOA.

KVOA—Arizona Broadcasting Co., Inc., Tucson, Ariz.—Modification of license; facilities of KGAR.

NEW—N. Vernon Clark, Chester, S. C.—C. P. for new station; **1310 kc.**, 100 watts, daytime.

NEW—The Journal Co., Milwaukee, Wis.—License for special experimental facsimile transmission.

MISCELLANEOUS

The Commission today reconsidered its decision rendered January 16, 1934, in the case of Peoria Broadcasting Company, Station WMBD (Ex. Rept. No. 493), and Illinois Broadcasting Corp., Station WTAD (Ex. Rept. No. 493). By the terms of this decision the Peoria Broadcasting Company was granted full time, and the Illinois Broadcasting Corporation's station was ordered deleted, to take effect 20 days from date of decision.

The action of the Commission today in reconsidering this case, remanded it to the Examiner to take additional testimony and make recommendations based upon any additional testimony that may be presented.

KIEM—Harold H. Hanseth, Eureka, Calif.—Application for modification of license to increase hours of operation from daytime to unlimited, **1210 kc.**, 100 watts (facilities of KFWI), which was denied as in cases of default on December 8, 1933, was restored to the Hearing Docket.

Northern Broadcasting Co., Inc., Laconia, N. H.—Application for new station to operate on **1310 kc.**, 100 watts, daytime only (facilities of former WKAV), taken from Hearing Docket and granted.

Geo. Webb, Newport, R. I.—Application for new station re-designated for hearing, to be heard on bill of particulars dated December 5, 1933.

SET FOR HEARING

WINS—American Radio News Corp., New York City—Modification of license to change hours of operation from limited to unlimited (facilities of WNYC).

KRSC—Radio Sales Corp., Seattle, Wash.—Modification of license to change hours of operation from daytime only to daytime and 12 midnight to 4 a. m. daily.

NEW—Unity School of Christianity, Kansas City, Mo.—C. P. (experimental broadcast), **1530 kc.**, 1 KW.

WKBZ—Karl L. Ashbacker, Ludington, Mich.—C. P. to move transmitter and studio to Muskegon, Mich.

NEW—C. G. Phillips and Frank Hill, d/b as Boise Broadcast Station, Weiser, Idaho—C. P., **1200 kc.**, 100 watts, unlimited time (facilities of KFXD).

WLBW—Broadcasters of Pennsylvania, Erie, Pa.—Modification of license to increase night power from 500 watts to 1 KW.

APPLICATIONS RECEIVED

First Zone

WAGM—Aroostook Broadcasting Corp., Presque Isle, Maine—License to cover construction permit granted 12-8-33 to move transmitter locally and make changes in equipment.

WORC—Alfred F. Kleindienst, Worcester, Mass.—Extension of special experimental authorization to use directional antenna, **1280 kc.** and 500 watts power.

Second Zone

WIBM—WIBM, Inc., Jackson, Mich.—Construction permit to install new equipment and to move transmitter and studio to 306-8 West Michigan, Jackson, Mich, amended re equipment changes.

WCAE (Auxiliary)—WCAE, Inc., Pittsburgh, Pa.—Construction permit to change auxiliary transmitter site from 21st and Wharton Sts., Pittsburgh, Pa., to Baldwin Township, Pa.

WHDF—Upper Michigan Broadcasting Co., Calumet, Mich.—Modification of license to change specified hours of operation and to change time from Central Standard to Eastern Standard, amended to request change in specified hours and change time to Central Standard.

Third Zone

KARK—Arkansas Radio and Equipment Co., Little Rock, Ark.—Modification of construction permit authorizing installation of new equipment to move transmitter locally.

Fourth Zone

WFAM—The South Bend Tribune, South Bend, Ind.—License to cover construction permit granted 9-29-33 to make changes in equipment.

NEW—August G. Bendix, Posen, 3 miles south and 2 miles east of Wood Lake, Minn.—Construction permit to erect new station to operate on **1310 kc.**, 100 watts, specified hours.

WTMJ—The Journal Company (The Milwaukee Journal), Milwaukee, Wis.—Special experimental authorization to increase power to 5 KW, amended to request 5 KW LS and 1 KW night.

KWTO—KGBX, Inc., Springfield, Mo.—Modification of license to increase power from 500 watts to 1 KW, daytime.

Fifth Zone

NEW—E. L. Landsberg and K. V. Martin, Las Vegas, Nev.—Request for construction permit to erect new station to operate on **1420 kc.**, 100 watts, unlimited time (facilities of KGIX).

KVI—Puget Sound Broadcasting Co., Inc., Tacoma, Wash.—Authority to determine power by direct antenna measurement.

APPLICATIONS RETURNED

NEW—J. R. Vancurren, Logan, Ohio—Construction permit to erect a new station to operate on **1310 kc.**, 100 watts day, —— power night, unlimited time. (Incomplete, Rule 6, equipment and location unsatisfactory.)

KCRC—Enid Radiophone Co., Enid, Okla.—Modification of license to change frequency from **1370 kc.** to **1230 kc.**, increase power to 250 watts, and time to unlimited (facilities vacated by KGGF). (Rule 6.)

NEW—Hoosier Broadcasting, Inc., Indianapolis, Ind.—Construction permit to erect a new station to operate on **1360 kc.**, 1 KW, unlimited time. (Rule 6, incomplete, equipment and location unsatisfactory, jurat incomplete.)

WIL—Missouri Broadcasting Corp., St. Louis, Mo.—Construction permit to install new equipment. (Unnecessary.)

NEW—Community Church of God (Rev. Harry Jones), Canton, Ohio—Request for construction permit to erect new station to operate on **1310 kc.**, 50 watts, and specified hours, amended to increase power from 10 watts to 50 watts. (Rule 6, Sec. 6, and equipment unsatisfactory.)

The National Association of Broadcasters

NATIONAL PRESS BUILDING ★ ★ ★ ★ ★ WASHINGTON, D. C.

PHILIP G. LOUCKS, Managing Director

NAB REPORTS

★ ★ ★ ★

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BROADCAST ADVERTISING IN DECEMBER

Broadcast advertising in December amounted to $6,152,615.00 and marked a gain of 2.8% over the volume of the previous month. National network volume increased 7.5% over the previous month, while the revenue from the sale of time over regional networks rose 9.2%. Individual station advertising volume alone decreased, revenues in this field having declined 3.9% as against November.

The drop in individual station business is probably due to two factors: (1) The absorption of an increasing proportion of the profitable broadcasting hours by network programs on the larger stations, this trend having been in progress for several months; (2) What seems to be a slight seasonal decline on the part of radio advertising over the smaller stations. In the latter case, the trend in advertising volume seems to parallel that of the newspaper field. However, it is impossible to say whether the entire decline in small station revenue has been due to this factor or whether part of it has been caused by unsettled retail business in some sections of the country.

The total volume of broadcast advertising over national and regional networks and individual stations during December is found in Table I:

TABLE I

TOTAL RADIO BROADCAST ADVERTISING VOLUME

	1933 Gross Receipts		
Class of Business	*November*	*December*	*Cumulative July-December*
National networks...	$3,439,088.00	$3,697,283.00	$16,200,287.00
Regional networks...	74,051.00	80,878.00	243,632.00
Individual stations...	2,472,718.00	2,374,454.00	12,997,432.00
Total	$5,985,857.00	$6,152,615.00	$29,441,351.00

National network advertising in December was especially encouraging, the volume of this type of business having been the greatest that it has been in twenty months, and being exceeded only by four months in the entire history of the industry. December network advertising was 23% higher than during the same month of the previous year and was 2.5% above December 1931. Monthly revenues for national network advertising during 1932-1933 are found in Table IA:

TABLE IA

NATIONAL NETWORK ADVERTISING BY MONTHS (1932-1933)

	Gross Receipts	
Month	*1933*	*1932*
January	$2,796,143	$3,984,289
February	2,627,761	3,891,023
March	3,013,574	4,300,833
April	2,465,664	4,004,484
May	2,287,163	3,632,442
June	2,065,195	2,997,296
July	1,826,407	2,416,616
August	1,907,481	2,285,680
September	2,102,809	2,492,951
October	3,255,839	3,035,631
November	3,465,801	3,059,848
December	3,697,283	3,005,683
Total	$31,516,298	$39,106,776

A comparison of the monthly volume of advertising over national networks, regional networks and individual stations during the latter half of 1933 is found in Table IB:

TABLE IB

BROADCAST ADVERTISING VOLUME

	1933 Gross Receipts			
Month	*National Networks*	*Regional Networks*	*Individual Stations*	*Total*
July	$1,826,407.00	$16,069.00	$2,092,899.00	$3,918,441.00
August	1,907,481.00	32,262.00	1,753,504.00	3,693,247.00
September	2,102,809.00	14,281.00	1,832,251.00	3,949,341.00
October	3,255,839.00	26,091.00	2,471,606.00	5,741,850.00
November	3,465,801.00	74,051.00	2,472,718.00	5,985,857.00
December	3,697,283.00	80,878.00	2,374,454.00	6,152,615.00
Total	$16,200,287.00	$243,632.00	$12,997,432.00	$29,441,351.00

On the basis of the available figures for the latter half of last year it would seem that the probable total receipts for the sale of broadcast advertising time during 1933 amounted to approximately $57,000,000.00.

Comparison with Other Media

A comparison of the expenditures for radio advertising as against those of other leading media is found in Table II:

TABLE II

ADVERTISING VOLUME BY MAJOR MEDIA

	1933 Gross Receipts		
Advertising Medium	*November*	*December*	*Cumulative July-Dec.*
Radio broadcasting	$5,985,857.00	$6,152,615.00	$29,441,351.00
National magazines[1]	9,535,635.00	8,254,556.00	48,049,277.00
National farm papers	436,830.00	265,645.00	2,003,637.00
Newspapers	41,356,796.00	40,069,311.00	233,941,275.00
Total	$57,315,118.00	$54,742,127.00	$313,435,540.00

[1] National magazine totals are for 108 periodicals, prepared by Publishers' Information Bureau, Inc., from which source national farm papers and networks are also taken.

There was a slight seasonal decline in newspaper advertising volume during December, a situation which was paralleled in the national magazine field. National farm papers experienced a rather heavy drop in advertising revenue and were in a slightly poorer position than in December 1932.

As far as can be estimated, newspaper advertising volume during 1933 was approximately $441,000,000.00 and was 11% below that of the previous year. National magazine volume during the year totalled $97,637,665.00 and was 16% below the 1932 level. Advertising in national farm papers showed a decline of 17% over the previous year, advertising of this type totalling $4,131,861.00. The national network decline of 18% in 1933 as compared with the previous year therefore constitutes a favorable showing. It must be remembered that contrary to the situation with regard to other media this decline constitutes the maximum recession in business which has been experienced from the peak years of the industry. As far as can be determined, total radio broadcast advertising volume has decreased approximately 20% since 1931, the only other year for which any figures are available with regard to all parts of the broadcasting structure.

Advertising Over Various Classes of Stations

The volume of non-network advertising placed over stations of different classes of power is found in Table III:

TABLE III

NON-NETWORK BROADCAST ADVERTISING BY POWER OF STATION

	1933 Gross Receipts		
Power of Station	*November*	*December*	*Cumulative July-Dec.*
Over 5,000 watts	$801,630.00	$778,767.00	$4,977,268.00
2,500-5,000 watts	302,311.00	252,030.00	1,561,999.00
250-1,000 watts	1,002,911.00	1,037,911.00	4,872,182.00
100 watts and under	365,866.00	305,828.00	1,585,983.00
Total	$2,472,718.00	$2,374,454.00	$12,997,432.00

There was a further decline in non-network business of stations of more than 5,000 watts in power. The volume of non-network business for this class of station however is still above the September level. It is quite probable that the decline which has taken place during the past several months has been due to the necessity of making way for an increasing volume of network business. The same general trend is to be noticed in the case of stations from 2,500 to 5,000 watts in power.

Non-network advertising volume of stations of from 250 to 1,000 watts in power increased 3.5% over the previous month. There was a decline of approximately 16% in the volume of business enjoyed by stations of 100 watts in power. Although this trend may be partly seasonal in nature, it may also be that unsettled conditions in retail trade are partly to blame for the December decrease in volume.

During the past six months stations of over 5,000 watts in power have accounted for 38.3% of the total non-network advertising volume, while stations of from 2,500 to 5,000 watts have accounted for 12% of non-network business. Non-network revenues of stations in the 250 to 1,000 watt class comprised 37.5% of the total volume of this type of business, while the revenues of 100-watt stations comprised 12.2% of the non-network total. Although these figures undoubtedly are of interest, they should be interpreted with considerable conservatism in so far as they do not represent the situation with regard to the entire year. It may be possible that when additional data is available these proportions may be somewhat altered. At the present time they constitute the best information available.

Advertising by Geographical Districts

The amount of non-network advertising placed over stations in various sections of the country is found in Table IV:

TABLE IV

NON-NETWORK BROADCAST ADVERTISING BY GEOGRAPHICAL DISTRICTS

	1933 Gross Receipts		
Geographical District	*November*	*December*	*Cumulative July-Dec.*
New England Middle Atlantic Area	$597,887.00	$507,810.00	$3,167,079.00
South Atlantic South Central Area	403,794.00	424,911.00	2,012,473.00
North Central Area	972,872.00	991,873.00	5,012,373.00
Pacific and Mountain Area	498,165.00	449,860.00	2,805,507.00
Total	$2,472,718.00	$2,374,454.00	$12,997,432.00

Non-network broadcast advertising in the New England-Middle Atlantic Area declined 14% as compared with November, while that of the Pacific-Mountain Area declined approximately 10%. Since network activities are largely concentrated in these two districts, this may be partly the cause of the declines. Non-network advertising in the Southern Area increased approximately 5%, while slight gains were noted in the case of the North Central Area. Increased buying power due to the Government's agricultural program, CWA projects, and similar factors undoubtedly constitute at least a partial explanation of this trend.

Spot and Local Advertising

A comparison of the volume of national spot and local advertising comprising the non-network revenues of individual stations is found in Table V:

TABLE V

COMPARISON OF NATIONAL SPOT AND LOCAL BROADCAST ADVERTISING

	1933 Gross Receipts		
Class of Business	*November*	*December*	*Cumulative July-Dec.*
National spot	$1,085,342.00	$944,520.00	$5,145,180.00
Local	1,387,376.00	1,429,934.00	7,852,252.00
Total	$2,472,718.00	$2,374,454.00	$12,997,432.00

Local broadcast advertising increased 3.1% as against November and stood at the highest point to have been reached during the past six months. National spot broadcasting, on the other hand, declined approximately 13%, although still remaining considerably above the September level. During the past six months national spot broadcasting comprised 39.6% of the total individual station non-network business, while local advertising accounted for 60.4% of the volume in that field.

A comparison of the proportion of total broadcast advertising accounted for by national networks, regional networks, national spot business and local advertising business is as follows:

National networks	55.1%
Regional networks	.8%
National spot broadcasting	17.5%
Local broadcast advertising	26.6%
Total	100.0%

In this respect there is remarkably little change from 1931 when the combined network advertising revenue comprised approximately 54% of the total advertising revenue of that year. However, there seems to have been a somewhat marked increase in national spot business which in 1932, those expert in the field agreed, probably totaled between one-quarter and one-third of total non-network business.

Advertising by Type of Rendition

The trends with regard to electrical transcriptions and other types of broadcasting rendition are found in Tables VI and VII:

TABLE VI

NON-NETWORK BROADCAST ADVERTISING BY TYPE OF RENDITION

	1933 Gross Receipts		
Type of Rendition	*November*	*December*	*Cumulative July-Dec.*
Elec. transcriptions	$495,516.00	$462,942.00	$2,411,313.00
Live talent programs	1,044,932.00	935,673.00	5,743,511.00
Records	56,880.00	66,473.00	360,238.00
Spot announcements	875,390.00	909,366.00	4,482,370.00
Total	$2,472,718.00	$2,374,454.00	$12,997,432.00

TABLE VII

COMPARISON OF LOCAL AND NATIONAL SPOT ADVERTISING BY TYPE OF RENDITION

(December, 1933)

	Gross Receipts for Month		
Type of Rendition	*National Spot*	*Local*	*Total*
Elec. transcriptions	$344,281.00	$118,661.00	$462,942.00
Live talent programs	321,304.00	614,369.00	935,673.00
Records	6,456.00	60,017.00	66,473.00
Spot announcements	272,479.00	636,887.00	909,366.00
Total	$944,520.00	$1,429,934.00	$2,374,454.00

Electrical transcription business declined 6.6% as compared with November, due principally to a rather heavy decrease in national spot volume. There was a slight decline in live talent business which was mostly local in nature. Record programs increased to

a rather marked degree, while there was a considerable increase in spot announcement volume. The latter was due principally to local advertising and may be indicative of the fact that the small advertisers are again coming back to radio. This in turn may have been partly due to the Christmas holidays.

During the past six months electrical transcriptions have comprised 18.5% of total non-network business, live talent 44.2%, records 2.7% and spot announcements 34.6%. There has been considerable variation between the makeup of national spot broadcast advertising and local advertising with regard to type of rendition. Whereas national spot advertising comprised 75.7% of the total electrical transcription volume and 51% of the total spot announcement volume, it amounted to no more than 29.6% of the live talent volume and comprised a negligible proportion of the programs involving the use of phonograph records.

Participations

The volume of participation business showed a marked increase in December as compared with the previous month and is found in Table VIII:

TABLE VIII

PARTICIPATIONS OVER INDIVIDUAL STATIONS

	1933 Gross Receipts		
Type of Rendition	*November*	*December*	*Cumulative July-Dec.*
Elec. transcriptions	$177.00	$1,000.00	$1,572.00
Live talent programs	49,685.00	91,192.00	379,562.00
Records	15,961.00	15,542.00	94,432.00
Total	$65,823.00	$107,734.00	$475,566.00

Radio Advertising Sponsors

The volume of radio broadcast advertising in December sponsored by various types of industries is found in Table IX, while an analysis of national spot and local advertising over individual stations is presented in Table X:

TABLE IX

RADIO BROADCAST ADVERTISING VOLUME BY TYPE OF SPONSORING BUSINESS

(December, 1933)

	Gross Receipts for Month			
Type of Sponsoring Business	*National Networks*	*Regional Networks*	*Individual Stations*	*Total*
1a. Amusements	—	—	$54,781.00	$54,781.00
1-2. Automobiles and Accessories:				
(1) Automobiles	$228,247.00	$5,460.00	136,472.00	370,179.00
(2) Accessories, gas and oils	289,381.00	22,798.00	174,069.00	486,248.00
3. Clothing and apparel	43,372.00	1,125.00	177,378.00	221,875.00
4-5. Drugs and toilet goods:				
(4) Drugs and pharmaceuticals	389,521.00	2,648.00	340,813.00	732,982.00
(5) Toilet goods	684,622.00	—	79,272.00	763,894.00
6-8. Food products:				
(6) Foodstuffs	769,288.00	32,611.00	335,076.00	1,136,975.00
(7) Beverages	336,816.00	—	76,828.00	413,644.00
(8) Confections	122,729.00	—	38,096.00	160,825.00
9-10. Household goods:				
(9) Household equipment and furnishings	53,654.00	43.00	115,987.00	169,684.00
(10) Soap and kitchen supplies	115,335.00	—	18,750.00	134,085.00
11. Insurance and financial	60,998.00	2,180.00	57,178.00	120,356.00
12. Radios	54,451.00	—	20,179.00	74,630.00
13. Retail establishments	—	—	178,680.00	178,680.00
14. Tobacco products	381,103.00	—	5,403.00	386,506.00
15. Miscellaneous	167,766.00	14,013.00	565,492.00	747,271.00
Total	$3,697,283.00	$80,878.00	$2,374,454.00	$6,152,615.00

TABLE X

NON-NETWORK ADVERTISING BY TYPE OF SPONSORING BUSINESS

(December, 1933)

	National	*Gross Receipts for Month*	
Type of Sponsoring Program	*Spot*	*Local*	*Total*
1a. Amusements	$9,036.00	$45,745.00	$54,781.00
1-2. Automobiles and Accessories:			
(1) Automobiles	87,970.00	48,502.00	136,472.00
(2) Accessories, gasoline and oil	101,003.00	73,066.00	174,069.00
3. Clothing and apparel	4,485.00	172,893.00	177,378.00
4-5. Drugs and toilet goods:			
(4) Drugs and pharmaceuticals	228,835.00	111,978.00	340,813.00
(5) Toilet goods	63,460.00	15,812.00	79,272.00
6-8. Food products:			
(6) Foodstuffs	142,429.00	192,647.00	335,076.00
(7) Beverages	15,292.00	61,536.00	76,828.00
(8) Confectionery	33,276.00	4,820.00	38,096.00
9-10. Household goods:			
(9) Household equipment and furnishings	23,652.00	92,335.00	115,987.00
(10) Soap and kitchen supplies	9,922.00	8,828.00	18,750.00
11. Insurance and financial	10,057.00	47,121.00	57,178.00
12. Radios	3,755.00	16,424.00	20,179.00
13. Retail establishments	7,116.00	171,564.00	178,680.00
14. Tobacco products	2.650.00	2,753.00	5,403.00
15. Miscellaneous	201,582.00	363,910.00	565,492.00
Total	$944,520.00	$1,429,934.00	$2,374,454.00

The following trends are to be noticed in the aforementioned tables:

1a. *Amusements:*—There has been a rather marked decline in this field due principally to a decrease in local business of this type.

1. *Automobiles:*—Broadcast advertising volume in this field increased slightly more than 16% as compared with November. National network volume was approximately the same as the previous month. National spot business more than doubled, while local automotive advertising retrieved the losses experienced in November and again approximated its October level.

2. *Accessories, gasoline and oil:*—Accessories, gasoline and oil advertising over the radio decreased 19% as compared with November. Network volume decreased 12.5%, while station volume declined 33%, due mostly to a shrinkage in national spot advertising.

3. *Clothing:*—There was a slight increase in this field during the past month due principally to local advertising.

4. *Drugs and pharmaceuticals:*—Radio advertising in the drug and pharmaceutical field decreased 4% as compared with November, due mostly to a decline of approximately 14% in national spot volume.

5. *Toilet goods:*—There was little or no change in cosmetic advertising over the air, increased national business offsetting the slight declines which occurred in national spot and local business of this type.

6. *Foodstuffs:*—Food advertising over national networks decreased 11% during December as compared with the previous month, while national spot and local advertising declined 30% and 15%, respectively.

7. *Beverages:*—Other than a marked increase in local beverage advertising, there has been little change in this field as compared with the preceding month.

8. *Confectionery:*—A slight increase occurred in December in confectionery advertising over the radio, due principally to a doubling of local business of this type.

9. *Household appliances:*—A marked increase occurred in household equipment and furnishings advertising, network volume having quadrupled as compared with November and individual station volume having shown marked increases.

10. *Soap and kitchen supplies:*—Radio advertising in this field increased approximately 8% as compared with the preceding month due principally to a 21% increase in national network volume which more than offset the declines in spot and local business.

11. *Insurance and financial:*—Although the total in this field has remained comparatively unchanged, spot broadcasting volume declined approximately 60%, while local financial advertising increased in the neighborhood of 10%.

12. *Radio:*—Radio set advertising increased 12% as compared with November. Station volume rose 20%, local advertising of this type more than doubling the preceding month's figure. There were declines in the national spot and network fields.

13. *Retail:*—Advertising by general retail establishments increased approximately 40% during the month. This was undoubtedly due to Christmas advertising.

14. *Tobacco products:*—Tobacco advertising more than doubled as compared with November due entirely to the return of cigarette advertising to the national networks on a scale commensurate with their efforts in the early part of 1932.

15. *Miscellaneous:*—There has been an interesting increase in miscellaneous advertising, especially in the national spot and local fields. This seems to be indicative of a revival of a more varied type of sponsorship of radio programs than was the case during the 1932-1933 season.

Trends in Sponsorship During 1933

The trend in national network advertising sponsorship during the past year is indicated in Table A, wherein the 1932 and 1933 advertising volume of various industrial groups is compared:

TABLE A

NATIONAL NETWORK ADVERTISING BY TYPE OF SPONSORING BUSINESS
(1932-1933)

Type of Sponsoring Program	*Gross Receipts* 1933	1932
1–2. Automobiles and Accessories:		
(1) Automobiles	$1,863,436.00	$1,072,899.00
(2) Accessories, gasoline and oil	3,899,493.00	3,111,739.00
3. Clothing and apparel	413,797.00	738,552.00
4–5. Drugs and toilet goods:		
(4) Drugs and pharmaceuticals	2,910,564.00	2,897,836.00
(5) Toilet goods	5,308,741.00	5,827,743.00
6–8. Food products:		
(6) Foodstuffs	6,240,108.00	8,412,298.00
(7) Beverages	3,366,138.00	3,329,653.00
(8) Confectionery	844,032.00	1,052,082.00
9–10. Household goods:		
(9) Household equipment and furnishings	400,796.00	949,825.00
(10) Soap and kitchen supplies	1,009,333.00	1,145,340.00
11. Insurance and financial	669,495.00	1,253,462.00
12. Radios	593,455.00	115,854.00
13. Retail establishments	—	—
14. Tobacco products	2,909,632.00	6,245,223.00
15. Miscellaneous	1,087,278.00	2,954,270.00
Total	$31,516,298.00	$39,106,776.00

It will be noted that the important declines in absolute volume of national network advertising have been restricted to a comparatively few fields. Three groups, the food and tobacco industries, and the miscellaneous group of sponsors,—which embraces a large portion of the "floating population" of radio advertising,—alone account for approximately 97% of the net loss experienced in network volume. In recent months the tobacco advertising volume has increased materially. Reviving business should favorably affect food sales and therefore probably food advertising in the near future. National network food advertising has been continually on the increase since June of the past year. In December, 1933, the volume of food advertising over national networks was 27.4% greater than in any previous month during that year. Food advertising declined 26% and tobacco advertising 53% in 1933 as compared with the previous year.

Other fields which experienced declines in broadcast advertising expenditures during 1933 included clothing, shoes and other articles of apparel, with a dercease of 42%, cosmetics with a 9% decline, household equipment and appliances with a 57% shrinkage in expenditures, soaps and kitchen supplies with a 3% drop in radio advertising volume, financial advertising with a 47% decline, and the miscellaneous group with a 62% drop.

Most of these industries, it will be noted, are ones which have been materially affected by the depression. Household appliances, insurance, cosmetics and apparel all are in this class. So are articles such as ginger ale and other food beverages. It is interesting to note that even chewing gum, the principal component of the confectionery group, has been materially affected by the depression. It would seem that the losses experienced by radio have been due principally to the decline in business rather than to a shift to competitive media. Though detailed information is not available, this is also probably the case with regard to local and national spot advertising.

Marked increases also occurred during 1933 in some fields. Na-

tional network advertising on the part of the automotive industry increased 73% over 1932, while accessory advertising increased 25%. Radio set advertising increased 411% over the previous year, beverage advertising 1%, and drug and pharmaceutical advertising .4%.

The most important group of sponsors in 1933 was food, and the allied industries of beverages and confections. These constituted 33% of the total national network volume for the year. Second in importance was the cosmetic industry, whose advertising comprised 16.8% of national network volume. Lubricants ranked third with 12.3% of total network volume, drugs fourth with 9.3%, and tobacco fifth with 9.2%. These groups, combined, comprised approximately 81% of total national network revenue. Convenience goods, that is, small articles of low unit cost and high turnover, still comprise the bulk of national network volume, accounting for slightly more than 70% of total network advertising. This is compared to 30% in 1927.

Less information is available with regard to the types of industries sponsoring programs over individual stations. However, the data collected during the past six months make possible for the first time the determination of a broad general trend in this field.

In the case of non-network advertising as a whole, foodstuffs and allied products constituted the largest single sponsoring group and accounted for 20.5% of the non-network volume. Drugs and pharmaceuticals ranked second with 11.3%, accessories third with 8.3%, clothing fourth with 7.2%, general retail establishments fifth with 6.4%, toilet goods sixth with 5.8%, household equipment seventh with 5.2%, and the automotive group eighth with 4.9%. The wider distribution of non-network advertising is not only indicated by the fact that these eight groups comprise but 69.6% of the total non-network volume, but also by the fact that 21.8% of the total individual station revenue from other than network sources came from miscellaneous sources, comprising a wide variety of industries.

The composition of national spot volume during the latter half of 1933 did not show quite the same wide variety of general non-network business. Neither did it exhibit the same degree of concentration noted in the case of national networks. Food and allied industries accounted for 22.2% of the national spot business, drugs and pharmaceuticals for 18.1%, gasoline and automotive accessories for 12.6%, and toilet goods for 12.3%. Miscellaneous advertisers, not readily classifiable under any other general industrial grouping, accounted for 15.1% of national spot business during the latter half of 1933.

Local broadcast advertising likewise showed interesting trends. The miscellaneous group loomed especially large, and comprised 26.4% of total local volume during the period in question. Clothing ranked second with 12.2%. General retail establishments, such as department stores, came third with 10.0%, drugs and pharmaceuticals fourth with 7.0%, and furniture fifth with 6.8%. These comprised 62.4% of total local volume.

Retail Advertising

A detailed study of the retail advertising situation is found in Table XI:

TABLE XI

RETAIL ADVERTISING OVER INDIVIDUAL STATIONS

(December, 1933)

Type of Sponsoring Business	*Gross Receipts for month*
Automobiles and accessories:	
Automobile agencies and used car dealers	$34,173.00
Gasoline stations, garages, etc.	24,962.00
Clothing and apparel shops	170,164.00
Drugs and toilet goods:	
Drug stores	16,156.00
Beauty parlors	942.00
Food products:	
Grocery stores, meat markets, etc.	44,089.00
Restaurants and eating places [1]	24,513.00
Beverage retailers	1,360.00
Confectionery stores, etc.	3,805.00
Household goods:	
Household equipment retailers [2]	30,466.00
Furniture stores	48,200.00
Hardware stores	9,359.00
Radio retailers	15,196.00
Department and general stores	177,378.00
Tobacco shops	815.00
Miscellaneous	55,571.00
Total	$657,149.00

[1] Exclusive of hotels.

[2] Such as electric refrigerators, oil burners, sweepers, furnaces and the like.

General Business Conditions

There has been little change in the general business situation during the past month. Industrial production declined slightly at the opening of the new year, following which it returned to the mid-December level of 77.0 according to the New York Times Index. Commodity prices showed slight increases, the combined index of the Department of Labor rising from 70.8 on December 30 to 72.3 on January 20. Detroit factory employment showed a sharp rise when automobile production was begun on new models. Steel ingot production exhibited slight gains as compared with December. Electric power consumption, on the other hand, decreased slightly, the index declining from 99.5 on December 23 to 97.5 on January 20. It will be particularly interesting to note the degree to which the new monetary policies of the government will affect production and consumption, and the direction which this effect will take.

The National Association of Broadcasters

NATIONAL PRESS BUILDING ★ ★ ★ ★ ★ WASHINGTON, D. C.

PHILIP G. LOUCKS, Managing Director

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DILL WILL PUSH COMMUNICATIONS BILL

Following a conference with President Roosevelt at the White House on Friday, Senator C. C. Dill, Washington, chairman of the Senate Interstate Commerce Committee, announced that he will sbortly introduce a bill to create a Communications Commission witb a view to secure its final enactment during tbe present session of Congress.

Representative Sam Rayburn, Texas, chairman of the House Committee on Interstate and Foreign Commerce, also was present at tbe Wbite House Conference.

Senator Dill has been at work on the bill for several weeks and will bave it ready for introduction within the next two weeks. It will undoubtedly carry the approval of President Roosevelt which virtually assures passage of the measure.

The President and Senator Dill bave agreed, it is understood, upon the procedure to be followed in dealing with the general communications problem and no time will be lost in securing Congressional action.

Tbe Dill Communications bill will abolisb the Federal Radio Commission and create in its stead a Communications Commission which will bave all the powers of the present Radio Commission and also the powers whicb tbe Interstate Commerce Commission now has over wireless and wire communications.

Senator Dill explained that the measure he will introduce will not contain any controversial features but will rather be a consolidation of existing laws on the subject of broadcasting and communications with the administrative power lodged in a new commission. This Commission would begin immediately to study the many perplexing problems tied up in the communications field and work with a view to developing a permanent communications policy for the Untied States.

At the present time there is no disposition to change the existing laws as tbey relate to broadcasting. Such changes as might be necessary would be suggested by way of amendment to the general law after the new Commission has given mature tbought to the subject. It is possible, however, that the new bill would include the provisions of the old Dill bill whicb passed both Houses of Congress last Congress and received a veto by President Hoover. This bill was designed to correct certain procedural defects in the existing radio law. There is some likelihood, also, that the bill to prohibit remote control broadcasts in the United States for broadcasting by foreign stations will be absorbed by the new Dill bill.

By simply bringing about a consolidation of existing statutes relating to communications and avoiding controversial aspects of the legislation, Senator Dill hopes that hearings will be unnecessary. However, if requests for hearings are received, he will undoubtedly grant them although he would not permit them to become lengthy or interfere in any way witb the progress of the legislation.

The Washington Senator made clear his views on the subject of radio legislation at a recent meeting of the International Committee on Radio in Washington. He said it was his belief that the American idea of private ownership and operation of communication companies had been responsible for the leadership of this nation in radio development and that this development should not be throttled by eliminating competition. He pointed out that trans-oceanic radio circuits had brought about reductions in cable rates and used figures to prove his point.

The Supreme Court of the United States, he explained, had upheld the policy underlying our present broadcasting system and it was bis view that future legislation should follow this policy.

For more tban ten years a leader in radio legislation, Senator Dill, as chairman of tbe powerful Senate Interstate Commerce Committee, wields tremendous influence in radio legislative matters.

The announcement that a Communications Commission bill will be introduced and pressed at the present session of Congress was the most important development in broadcasting since the Roosevelt administration came into power and was taken as an indication tbat the administration intends to proceed carefully step by step toward a permanent communications policy.

COPELAND BILL SLATED FOR ACTION

President Roosevelt on Thursday night gave his approval to the revised Copeland bill to revise the pure food and drug bill and announcement was made tbat the measure will be pusbed to final Congressional action at an early date.

The announcement of presidential approval of the measure followed a conference between President Roosevelt, Dr. Rexford G. Tugwell, assistant secretary of the Department of Agriculture, and Senator Royal S. Copeland, New York, chairman of the Senate Commerce Committee.

Senator Copeland was completing work on his revised bill as tbis issue of NAB Reports went to press and copies were to become available within a day or two.

Mucb of the opposition to tbe measure was met by revisions and Senator Copeland believed the bill in its revised form would meet with tbe approval of newspaper publishers, magazine publishers and broadcast stations. It is understood that many of the amendments proposed by the NAB were incorporated in the altered measure.

Senator Copeland stated that he planned to call bis Committee together at an early date, probably next week, and report the bill to the Senate for action.

Truthful advertising provisions of tbe bill place the burden of proof on the manufacturer and not the advertising media.

HEARINGS ON RADIO BILL NEXT WEEK

Senator Dill of Wasbington has introduced a bill (S. 2660) in the Senate amending the radio law to prevent the setting up of studios in the United States which are connected with radio stations in foreign countries that broadcast back to this country.

An identical bill (H. R. 7800) has been introduced in the House by Representative Bland of Virginia, which has been referred to the House Committee on Merchant Marine, Radio and Fisheries. Announcement has been made that hearings will be held on this bill beginning February 15th.

The Dill bill, which has been referred to the Senate Committee on Interstate Commerce, is as follows:

That the Radio Act of 1927, approved February 23, 1927, as amended (44 Stat. 1162), is amended by the addition of a new section to follow section 28 of said Act (44 Stat. 1172), said new section to read as follows:

"No person, firm, company, or corporation shall be permitted to locate, use, or maintain a radio broadcast studio or other place or apparatus from which or whereby sound waves are converted into electrical energy, or mechanical or physical reproduction of sound waves produced, and caused to be transmitted or delivered to a radio station in a foreign country for the purpose of being broadcast from any radio station there having a power output of sufficient intensity and/or being so located geographically that its emissions may be received consistently in the United States,

without first obtaining a permit from the Federal Radio Commission upon proper application therefor.

"Such application shall contain such information as the Commission may by regulation prescribe, and the granting or refusal thereof shall be subject to the requirements of section 11 of the Radio Act of 1927 with respect to applications for station licenses or renewal or modification thereof, and the license or permission so granted shall be revocable for false statements in the application so required or when the Commission, after hearings, shall find its continuation no longer in the public interest."

ROPER COMMITTEE PLANS INDEFINITE

Plans of the Roper Committee, which will shortly undertake a study of broadcasting with a view to making a report to the President, were indefinite as this issue of NAB Reports went to press.

Secretary of Commerce Roper announced this week that he would appoint a committee of perhaps three or four persons to study broadcasting and formulate a report to supplement the recent report on point-to-point communications. He stated that Herbert Pettey, secretary of the Federal Radio Commission; Dr. Irving Stewart, radio expert of the State Department; and perhaps some one from the U. S. Office of Education as an advisor will constitute the committee.

This committee, it is believed, will study all phases of the broadcasting problem and invite all interested parties to submit their views. While this committee is expected to get into action within the next two weeks it has not yet made known its plans nor indicated whether it will hold open hearings or simply ask interested parties to submit their views in memoranda.

The study is regarded as important in view of the reported interest of both the President and the Secretary of Commerce in the undertaking. What relationship, if any, it will have with the recently announced legislative program is not yet known.

REDUCTION OF WORKING HOURS PROPOSED

Concrete proposals for further reduction of working hours in all industries will be laid down by General Hugh S. Johnson on March 5 at which time he will call to Washington code authorities and trade association executives. The announcement of the NRA chief was made late Thursday.

LABOR SEEKS CODE AUTHORITY PLACES

President William Green of the American Federation of Labor, in a statement published in the official labor publication, made a new demand for labor representation on code authorities.

Green argued that the customary view of industry that the code authorities deal with management questions and therefore should not include labor representatives, was not sound because principal responsibilities of the code ruling committees were administrative.

"Since the code authority exercises public control," he said, "labor maintains that in addition to representation of the industry, it shall provide representation for workers and consumers, either in an advisory capacity or as members."

CODE COMMITTEE COMMENCES STUDY

The subcommittee of the Code Authority for the Radio Broadcasting Industry held a conference in New York this week preliminary to commencing a study of radio performers which is provided for in the code.

PLEASE, PLEASE, PLEASE, PLEASE

Every member of the NAB who reads this issue of NAB Reports must get some idea of the demands which are being made upon the Association these days. These demands will increase rather than decrease. As predicted by your Managing Director, the income to the Association under the new system of dues has been far less than the expenses of operation despite curtailments in headquarters office expenses. If every member paid his January dues the income would still be inadequate. But combine with this the fact that twenty-five per cent of all members have not paid January dues and you can get some idea of our financial situation. Further reduction in expenses cannot be put into effect without materially curtailing the activities of the Association. While such curtailment would be unfortunate at this particular time, no alternative is left if revenue does not pick up promptly.

If you have not paid your dues, won't you please attend to this at once? This will help some.

If there are stations in your locality who are not members of the Association, won't you please call on them personally, phone them or write to them and sign them up as members?

Won't you please put your shoulder to the wheel and help us? We need members and we need money.

FEDERAL RADIO COMMISSION ACTION

HEARING CALENDAR

Monday, February 12, 1934

KWWG—Port Arthur College, Port Arthur, Texas—C. P. to move station from Brownsville to Port Arthur; **1260 kc.,** 500 watts, share with KRGV.

KWWG—Frank P. Jackson, Brownsville, Texas—Renewal; **1260 kc.,** 500 watts, shares with KRGV.

KWWG—Frank P. Jackson, Brownsville, Texas—Voluntary assignment of license to Port Arthur College; **1260 kc.,** 500 watts, shares with KRGV.

KRGV—KRGV, Inc., Harlingen, Texas—Modification of license; **1260 kc.,** 500 watts, unlimited time (facilities of KWWG). Present assignment, **1260 kc.,** 500 watts, shares with KWWG.

Wednesday, February 14, 1934

Hearing Before Commission en banc

KTHS—Hot Springs Chamber of Commerce, Hot Springs National Park, Ark.—Special experimental authorization; **1060 kc.,** 10 KW, simultaneous operation with WBAL 6 a. m. to LS, suspending LS to 8 p. m., CST; unlimited time 8 p. m. to 12 p. m. Present assignment, **1040 kc.,** 10 KW, shares with KRLD.

WTIC—Travelers Broadcasting Service Corp., Hartford, Conn.—Special experimental authorization; **1040 kc.,** 50 KW, simultaneous operation with KRLD (unlimited). Present assignment, **1060 kc.,** 50 KW, shares with WBAL.

KRLD—KRLD Radio Corporation, Dallas, Texas—Special experimental authorization; **1040 kc.,** 10 KW, simultaneous operation with WTIC (unlimited). Present assignment, **1040 kc.,** 10 KW, sharing with KTHS.

WBAL—Consolidated Gas, Electric Light and Power Co. of Baltimore, Baltimore, Md.—Special experimental authorization; **1060 kc.,** 10 KW, 6 a. m. to LS at Hot Springs simultaneous with KTHS, unlimited time LS to 9 p. m.; synchronizing with WJZ on **760 kc.,** with 2½ KW, from 9 p. m.; **1060 kc.,** 10 KW, shares with WTIC.

KWJJ—KWJJ Broadcast Co., Inc., Portland, Ore.—Renewal; **1060 kc.,** 500 watts, limited time.

WESG—Cornell University, Elmira, N. Y.—Renewal; **1040 kc.,** 1 KW, daytime.

WJAG—The Norfolk Daily News, Norfolk, Nebr.—Renewal; **1060 kc.,** 1 KW, limited time.

Friday, February 16, 1934

WBHS—Radio Station WBHS, Inc., Huntsville, Ala.—Voluntary assignment of license to Virgil V. Evans; **1200 kc.,** 100 watts, shares with WFBC.

WBHS—Radio Station WBHS, Inc., Huntsville, Ala.—Renewal; **1200 kc.,** 100 watts, shares with WFBC.

NEW—Virgil V. Evans, Rock Hill, S. C.—C. P.; **1370 kc.,** 100 watts, daytime (facilities of WBHS).

APPLICATIONS GRANTED

First Zone

WMEX—The Northern Corp., Chelsea, Mass.—Granted modification of C. P. for approval of transmitter site authorized to be determined by construction permit, 4½ miles from center of Boston, Chelsea, Mass.

WICC—The Bridgeport Broadcasting Station, Inc., Bridgeport, Conn.—Granted modification of license for direct measurement of antenna input to determine power.

WBSO—Broadcasting Service Organization, Inc., Needham, Mass.—Granted authority to operate from 2 to 4 a. m., EST, February 18, 1934, in order to broadcast DX program. Stations WRAX-WPEN and WWJ, with less than recommended mileage separation, have consented to the requested operation.

WTAG—Worcester Telegram Publishing Co., Worcester, Mass.—Granted C. P. to move transmitter locally from 52 Front St. to 20 Franklin St., Worcester, Mass.

WHEB—Granite State Broadcasting Corp., Portsmouth, N. H.—Granted authority to operate from 3 to 4 a. m., EST, February 15, in order to broadcast DX program.

WORC—Alfred Frank Kleindienst, Worcester, Mass.—Granted extension of special experimental authority to operate unlimited time on **1280 kc.**, with 500 watts, until June 1, 1934. (Normally licensed **1200 kc.**, 100 watts, unlimited.)

WMAS—WMAS, Inc., Springfield, Mass.—Granted license covering increase in day power and changes in equipment; **1420 kc.**, 100 watts night, 250 watts day; unlimited time.

Second Zone

WBNS—The Commercial Radio Service Co., Columbus, Ohio—Granted modification of license to change name to WBNS, Inc.

WBNS—The Commercial Radio Service Co., Columbus, Ohio—Granted C. P. to move transmitter to ½ mile south of Route 40 and ¼ mile east of James Road, Truro Township, Ohio.

WSAI—The Crosley Radio Corp., Cincinnati, Ohio—Granted extension of special experimental authority to May 1, 1934, to operate with 1 KW power nighttime, 2½ KW daytime, using special directional antenna array. (Normally licensed **1330 kc.**, 500 watts night, 1 KW day, unlimited.)

WIBM—WIBM, Inc., Jackson, Mich.—Granted C. P. to move station locally and make changes in equipment.

WCAE—WCAE, Inc., Pittsburgh, Pa.—Granted C. P. to move auxiliary transmitter from Pittsburgh to Baldwin Township, Pa.

WAVE—WFIW, Inc., Louisville, Ky.—Granted modification of license to change name to WAVE, Inc.

Third Zone

WGST—Georgia School of Technology, Atlanta, Ga.—Granted authority to operate with power of 250 watts, daytime, for a period of approximately 10 days on account of construction work authorized by construction permit 3-P-B-3038.

WJBO—Baton Rouge Broadcasting Co., Inc., Baton Rouge, La.—Modification of C. P. to move transmitter locally from Lafayette and Convention Sts. to Magnolia and 5th St., Baton Rouge, La., and extend commencement date from 2-2-33 to 30 days after the granting of this application and extend completion date from 5-31-33 to 120 days after granting of this application.

WENC—Americus Broadcast Corp., Albany, Ga.—Modification of C. P. granted for approval of transmitter site to be determined at 107 N. Jackson St., Albany, Ga., and extension of commencement date from 1-5-34 to 30 days after granting of this application (March 6) and extension of completion date from 4-5-34 to 60 days after granting of this application (May 6, 1934).

KARK—Arkansas Radio & Equipment Co., Little Rock, Ark.—Granted modification of C. P. to move transmitter locally; extend commencement date immediately after this date, and completion date to March 11, 1934.

Fourth Zone

WFAM—The South Bend Tribune, South Bend, Ind.—Granted license covering changes in equipment; **1200 kc.**, 100 watts, shares with WWAE.

WLBC—Donald A. Burton, Muncie, Ind.—Granted modification of C. P. to extend completion date of C. P. from February 10 to March 10, 1934.

Fifth Zone

KGCX—H. E. Krebsbach, Wolf Point, Mont.—Granted special temporary authorization to operate from 9 p. m. to 10 p. m., MST, February 12, 1934, in order to broadcast the complete proceedings of the Wolf Point Commercial Club banquet.

ACTION ON EXAMINER'S REPORTS

NEW—Ex. Rept. No. 492: Philip J. Wiseman, Lewiston, Maine—Denied application for a new station to operate on frequency of **640 kc.**, 500 watts, limited time, sustaining Examiner Geo. H. Hill.

NEW—Ex. Rept. No. 529: Harold Thomas, Waterbury, Conn.—Granted C. P. for a new station to operate on **1190 kc.**, 100 watts, daytime hours, sustaining Examiner Ralph L. Walker.

NEW—Ex. Rept. No. 530: Willard G. Demuth, Uhrichsville, Ohio—Denied C. P. for new station to operate on **1370 kc.**, 100 watts power, daytime hours, sustaining Examiner Geo. H. Hill.

NEW—Ex. Rept. No. 532: Thomas R. McTammany and William H. Bates, Jr., Modesto, Calif.—Granted C. P. for new station to operate on **740 kc.**, 250 watts power, daytime hours, reversing Examiner R. L. Walker.

WMBG—Ex. Rept. No. 533: Havens & Martin, Inc., Richmond, Va.—Denied C. P. to increase power from 100 watts to 100 watts night, 250 watts LS, sustaining Examiner Geo. H. Hill.

WPHR—WLBG, Inc., Petersburg, Va.—Granted renewal of license to operate on **1200 kc.**, 100 watts night, 250 watts LS, unlimited time, sustaining Examiner Hill.

ACTION ON CASE HEARD BEFORE COMMISSION EN BANC

WLWL—Missionary Society of St. Paul the Apostle, New York City—Denied application for unlimited time on **1100 kc.** (Commissioners Starbuck and Hanley dissented.)

WPG—WPG Broadcasting Corp., Atlantic City, N. J.—Granted renewal of license, **1100 kc.**, 5 KW power, specified hours, sharing with WLWL. (Commissioners Starbuck and Hanley dissented.)

ORAL ARGUMENT GRANTED

Oral argument in re Examiner's Report No. 534, involving Station KGDE, Fergus Falls, Minn., and the application of Herbert H. Fettee for the facilities of Station KGDE, was granted to be heard March 7, at 10 a. m.

APPLICATIONS DENIED

The following cases, heretofore designated for hearing, were denied because applicants failed to enter their appearances within time allowed:

NEW—John E. McGoff, Julius Schaeffer, and Francis Thurston, Newport, R. I.—C. P., **1500 kc.**, 100 watts, 9 hours per day.

NEW—Henry Clay Allison, Fort Worth, Texas—C. P., **1370 kc.**, 100 watts, share with KFJZ (facilities of KFJZ).

WDEL—WDEL, Inc., Wilmington, Del.—Modification of license; **1120 kc.**, 500 watts, unlimited time.

NEW—M. L. Myers, d/b as Richland Sound Systems, Mansfield, Ohio—**1310 kc.**, 50 watts, specified hours (facilities of WHBD).

KUOA—KUOA, Inc., Fayetteville, Ark.—Modification of license; **1260 kc.**, 1 KW, specified hours.

SET FOR HEARING

NEW—Pittsburgh Radio Supply House (exact location to be determined), Greensburg, Pa.—C. P. for **620 kc.**, 250 watts, daytime.

WSMK—Stanley M. Krohn, Jr., Dayton, Ohio—Special experimental authorization to increase hours of operation from simultaneous day, specified at night, sharing with KQV, to unlimited, simultaneous day and night with KQV, for the period ending 5-1-34.

KQV—KQV Broadcasting Co., Pittsburgh, Pa.—Special experimental authorization to increase hours of operation from simultaneous day, specified at night, sharing with WSMK, to unlimited, simultaneous day and night with WSMK, for the period ending 5-1-34.

WJBK—James F. Hopkins, Inc., Detroit, Mich.—Special experimental authorization to operate unlimited time experimentally until July 1, 1934, expiration date of license. (Normally licensed **1370 kc.**, 50 watts, unlimited day, specified hours night.)

WHAD—WHAD, Inc., Milwaukee, Wis.—Special experimental authorization to move transmitter locally, install new equipment, change frequency from **1120 kc.** to **580 kc.**, increase power from 250 watts to 1 KW, and increase hours of operation from specified to unlimited experimentally.

NEW—E. L. Landsbert and K. V. Martin, Las Vegas, Nev.—C. P. for new station, **1420 kc.**, 100 watts, unlimited time (facilities of KGIX).

APPLICATIONS RECEIVED

First Zone

WEAN—Shepard Broadcasting Service, Inc., Providence, R. I.—Extension of special experimental authorization to use additional power of 250 watts, night, until 9-1-34.

WJAR—The Outlet Co., Providence, R. I.—Extension of special experimental authorization to use additional power of 250 watts, night, until 9-1-34.

Second Zone

WBNS—The Commercial Radio Service Co., Columbus, Ohio—Modification of license to change corporate name to WBNS, Inc., and change studio location to 33 N. High St., Columbus, Ohio.

WBNS—WBNS, Inc., Columbus, Ohio—Construction permit to move transmitter to ½ mile south of route 40 and ¼ mile east of James Road, Truro Township, Ohio.

WLAP—American Broadcasting Corp. of Ky., Lexington, Ky.—Modification of construction permit for approval of transmitter and studio sites. Studio, 106 Esplanade St.; transmitter, corner Main and Esplanade Sts., Lexington, Ky.

WJR—WJR, The Goodwill Station, Inc., Detroit, Mich.—Modification of construction permit granted 12-15-33 to make changes in equipment.

WCAE—WCAE, Inc., Pittsburgh, Pa.—License to cover construction permit (as modified) granted 6-30-33 to make changes in equipment and move transmitter to Baldwin Township, Pa.

WWVA (Auxiliary)—West Virginia Broadcasting Corp., Wheeling, W. Va.—License to cover construction permit granted 10-27-33 to move transmitter.

WWVA—West Virginia Broadcasting Corp., Wheeling, W. Va.—Construction permit to increase power from 5 KW to 10 KW and make changes in equipment.

WCAE—WCAE, Inc., Pittsburgh, Pa.—Authority to determine operating power by direct antenna measurement.

WSAZ—WSAZ, Inc., Huntington, W. Va.—Modification of license to increase power from 500 watts to 1 KW.

Third Zone

WSOC—WSOC, Inc., Charlotte, N. C.—Construction permit to install new equipment and increase daytime power from 100 watts to 250 watts, amended to be considered under Rule 6g.

NEW—Charles Henry Gunthorpe, Jr., Nacogdoches, Texas—Construction permit to erect new station to operate on **1420 kc.**, power of 100 watts, daytime.

Fourth Zone

WLBC—Donald A. Burton, Muncie, Ind.—Extension of time under construction permit granted 10-10-33 until 3-10-34.

KWCR—Cedar Rapids Broadcast Co., Cedar Rapids, Iowa—Modification of construction permit granted 1-16-34 for approval of transmitter site at 3d Ave. and 3d St., Cedar Rapids, Iowa.

WHBU—Anderson Broadcasting Corp., Anderson, Ind.—Construction permit to rebuild station destroyed by fire.

KGCR—Greater Kampeska Radio Corp., Watertown, S. Dak.—Construction permit to move transmitter locally.

WRJN—Racine Broadcasting Corp., Racine, Wis.—Construction permit to make changes in equipment.

WTAX—WTAX, Inc., Springfield, Ill.—Construction permit to move transmitter locally.

NEW—Hoosier Broadcasting, Inc., Indianapolis, Ind.—Construction permit to erect new station to operate on **1360 kc.**, power of 1 KW, unlimited time, amended to change transmitter site (locally) and request facilities of WGES and those formerly used by WJKS (WIND).

Fifth Zone

KIEM—Harold H. Hanseth, Eureka, Calif.—Modification of license to change hours of operation from daytime to unlimited, facilities of KFWI, amended to omit request for facilities of KFWI and to be considered under Rule 6g.

KGMB—Honolulu Broadcasting Co., Ltd., Honolulu, T. H.—Construction permit to make changes in equipment and change transmitter location, amended to omit request to change transmitter site.

KGW—Oregonian Publishing Co., Portland, Ore.—Construction permit to increase power from 1 KW to 1 KW, 2½ KW LS, and make changes in equipment.

APPLICATIONS RETURNED

WCAL—St. Olaf College, Northfield, Minn.—Construction permit to increase power from 1 KW to 1 KW night and 2½ KW local sunset; also to make changes in equipment. (Rule 6.)

WTMJ—The Journal Co. (The Milwaukee Journal), Milwaukee, Wis.—Authority to determine operating power by direct measurement of antenna power. (Request of applicant.)

WKAR—Michigan State College, East Lansing, Mich.—Modification of license to change hours of operation from S. H., daytime, to unlimited, and change power from 1 KW day to 500 watts night and 1 KW LS. (Violation Rules 116 and 117.)

NEW—John E. Reagan, Monongahela, Pa.—Construction permit to erect new station. (Returned Sections 14, 15, 16, and Rule 5.)

NEW—Samuel Nathanuel Morris, Stamford, Texas—Construction permit to erect new station to operate on **1420 kc.**, power of 100 watts, S. H. (facilities of KFYO and KFPL). (Violation of Rules 5 and 6; transmitter site.)

WDAF—The Kansas City Star Co., Kansas City, Mo.—Construction permit to install rectifier. (Unnecessary.)

The National Association of Broadcasters

NATIONAL PRESS BUILDING ★ ★ ★ ★ ★ WASHINGTON, D. C.

PHILIP G. LOUCKS, Managing Director

NAB REPORTS

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RADIO-NEWS PROGRAM EFFECTIVE MARCH 1

The Associated Press, United Press and the International News Service have notified all member and client newspapers that effective March 1, 1934, the broadcasting of news from their telegraphic reports is prohibited, except in accordance with a recently promulgated program.

The text of this program, which has been carried on the wires of all newspapers receiving press association service along with an announcement by E. H. Harris, of Richmond, Indiana, Chairman of the Publishers' National Radio Committee, is as follows:

January 31, 1934,
New York, N. Y.

Note to Editors:

For Information of Publishers
and for Publication, if Desired.

After a series of conferences, the newspaper, press association and radio groups met at the Hotel Biltmore and arranged that the program for news broadcasting should become effective March 1, 1934.

Mr. Edwin S. Friendly, of the Executive Committee of the Publishers' National Radio Committee, was elected Chairman of the Administration Committee to organize the bureau in cooperation with the Publishers' National Radio Committee and in accordance with the program outlined.

Represented at the meeting were: Associated Press, United Press, International News Service, National Broadcasting Company, Columbia Broadcasting System, and the Publishers' National Radio Committee. The Managing Director of the National Association of Broadcasters was present at the meeting as an observer.

The Columbia Broadcasting System and the National Broadcasting Company have announced that in accordance with their previously expressed intention they have decided to withdraw from the news-gathering field.

The program is as follows:

That a committee consisting of one representative of the American Newspaper Publishers Association, one representative each from the United Press, the Associated Press and the International News Service, one representative from the National Association of Broadcasters, and one representative each from the National Broadcasting Company and the Columbia Broadcasting System, totalling seven members, with one vote each, should constitute a committee to set up with proper editorial control and supervision a bureau designed to furnish to the radio broadcasters brief daily news bulletins for broadcasting purposes. The chairman of the above committee will be the representative of the American Newspaper Publishers Association and a member of the Publishers National Radio Committee. All actions of this committee will be in conjunction with the Publishers National Radio Committee.

The newspaper and press association members of this committee are authorized and empowered to select such editor, or editors, and establish such a bureau as may be necessary to carry out the purposes of this program to wit:

> To receive from each of the three principal press associations copies of their respective day and night press reports, from which shall be selected bulletins of not more than thirty words each, sufficient to fill two broadcast periods daily of not more than five minutes each.

It is proposed that a broadcast, to be based upon bulletins taken from the morning newspaper report, will be put on the air by the broadcasters not earlier than 9:30 a. m., local station time, and the broadcast based upon the day newspaper report will not be put on the air by the broadcasters prior to 9 p. m., local station time.

It is agreed that these news broadcasts will not be sold for commercial purposes.

All expense incident to the functioning of this bureau will be borne by the broadcasters. Any station may have access to these broadcast reports upon the basis of this program, upon its request and agreement to pay its proportionate share of the expense involved.

Occasional news bulletins of transcendent importance, as a matter of public service, will be furnished to broadcasters, as the occasion may arise at times other than the stated periods above. These bulletins will be written and broadcast in such a manner as to stimulate public interest in the reading of newspapers.

The broadcasters agree to arrange the broadcasts by their commentators in such a manner that these periods will be devoted to a generalization and background of general news situations and eliminate the present practice of the recital of spot news.

A part of this program is to secure the broadcasting of news by newspaper-owned stations and independently-owned stations on a basis comparable to the foregoing schedule. The press associations will inform their clients or members concerning the broadcasting of news from press association reports as set forth in the foregoing schedule.

The Publishers' National Radio Committee will recommend to all newspaper publishers the above program for their approval, and will urge upon the members of the Associated Press and the Managements of the International News Service and the United Press the adoption of this program.

By this program it is believed that public interest will be served by making available to any radio station in the United States for broadcasting purposes brief daily reports of authentic news collected by the press associations, as well as making available to the public through the radio stations news of transcendent importance with the least possible delay.

E. H. HARRIS, *Chairman,*
Publishers National Radio Committee.

It will be noted that the program provides for the appointment of a representative of NAB on the administrative committee for the central news bureau which will select the press association news to be given to broadcasters for two daily five-minute broadcasts. This appointment has been tendered with the understanding that the NAB can, at a future date, decide whether or not it desires to have a representative on the committee.

In this connection, it should be pointed out that the NAB is not committed in any way to the above program. Representatives of the NAB who attended the recent New York conferences, did so merely as observers and with the understanding that their presence in no way committed the members of the Association to the program. This fact is emphasized because of the confusion which followed the publication of the so-called ten point plan last December, in which the NAB was mentioned as a party to the proposed set-up.

The program developed by the press association and newspapers, and, which the networks have agreed to follow, recognizes the legal right of news gathering organizations in the news which they collect at their own expense. This right has been upheld in the Supreme Court of the United States and more recently by lower courts in two cases involving broadcasting stations. The press associations and the newspapers, relying upon this right, maintained they had a right to prohibit the broadcasting of their news or prescribing the conditions upon which it might become available to broadcasting stations. The conditions laid down in the program are not only to constitute a basis for the broadcasting of news, but the pact itself is to constitute a basis for future

relationship between broadcasting stations and newspapers generally. In other words, it is the hope of those responsible for the program that hostilities which have existed between the broadcasters and publishers for the last several years will now subside and a more friendly attitude between them gradually will develop.

Since 1932 the press has been building up a united front under the leadership of E. H. Harris of Richmond, Indiana, and through his National Publishers Radio Committee which has been extended into every state in the nation. This Committee had worked out a plan of action a part of which was to bar all news broadcasts on the grounds that stations were invading the news field to the injury of the publishing business. Other phases of the plan are well known to broadcasters and need not be reviewed here.

The conferences between officials of the press associations, publishers, and representatives of Mr. Harris' Committee and network officials began in the hope that some understanding could be reached under which broadcasters and publishers might adjust their differences.

A ten-point plan was worked out on December 11 and was revised at later conferences.

The news bureau to be created in New York will be under the direction of James W. Barrett, former city editor of the New York *World* and of the New York *American*. This bureau will prepare two five-minute broadcasts to be given to stations daily and at the same time keep these stations advised of all news of transcendent importance throughout the day. This service will be available to all stations which adhere to the program irrespective of whether or not such stations are able to secure news from their local newspapers. The service will be given to independent stations and networks on an equal basis and it is the understanding of the NAB that no payment is to be made to the press associations or the newspapers for the news and that expenses will be limited to a pro rata of the handling and delivery costs. This procedure will be followed regardless of what action the NAB may take upon the invitation to name a member to the administrative committee.

While a part of the plan is to "secure the broadcasting of news by newspaper-owned stations and independently-owned stations on a basis comparable to the schedule" set forth in the program, the carrying out of the program rests upon the ability of the press associations to restrict their reports to client or member newspapers and the willingness of these newspapers to follow the spirit and letter of the plan.

The program relates only to press association news, that is, news supplied to newspapers by the major press associations, and does not cover local news. In addition, such features as weather reports, government agricultural reports and prices, time signals, etc., broadcasts of sports, conventions, inaugurations, etc., from the scene of action, are not embraced within the scope of the program.

Detailed information regarding the plan may be secured by writing Edwin S. Friendly, New York *Sun*, New York, N. Y., chairman of the committee authorized to set up the central news bureau.

REPORT URGES ADVERTISING CENSORSHIP

Authority to adopt "reasonable regulations" governing advertising content of programs, have been submitted to Congress for consideration as a part of Secretary Roper's report on communications.

The text of the proposal, reported exclusively in *Broadcasting*, which would become a new provision under Section 29 of the Radio Act, is as follows:

"The Commission, however, is authorized to adopt reasonable rules and regulations in the public interest, relating to the nature, kind, character, quantity or time used of that portion of the program devoted to advertising, direct or indirect."

No publicity was given to this part of the report and it is doubtful if the proposal will be considered by Congress. This part of the report also asked for legislation prohibiting lotteries (now prohibited by the code) and implied that a Commission should have power to fix advertising rates.

The amendments, it was reported, were suggested originally by the Federal Radio Commission.

HEARINGS HELD ON S. 2660

The Senate Interstate Commerce Committee and the House Merchant Marine, Radio and Fisheries Committee held hearings on Thursday on the Senate and House bills to bar programs originating in the United States for the broadcasting in Mexico.

The House Committee heard Dr. C. B. Jolliffe, chief engineer of the Federal Radio Commission, Dr. Erwin Stewart, radio expert of the State Department, and Henry A. Bellows, chairman of the NAB Legislative Committee. Both Dr. Jolliffe and Dr. Stewart stressed the necessity for legislation to eliminate the interference between stations in this country and Mexico. Mr. Bellows urged several minor changes in the bill pointing out that under the bill broadcasts for Canadian stations originating in the United States would be barred and that the language of the measure would have the effect of injuring the recording market in Mexico for American records and transcriptions.

The House will conclude its hearings next Friday.

Judge Sykes, chairman of the Federal Radio Commission, was the only witness to appear at the Senate hearings. He reviewed the recent Mexican conference and emphasized the necessity for legislation to curb interference between stations of the two countries. Mr. Bellows submitted to the Committee a proposal similar to that offered in the House. The Senate Committee is expected to report the bill shortly.

MORE HEARINGS ON COPELAND BILL

The Senate Commerce Committee this week received from Senator Copeland a report of his subcommittee which has been considering revision of the food and drugs laws. The committee voted to have Senator Copeland introduce as a new number the language of his revised bill, S. 2000, and decided to hold hearings on the revised measure. The hearings will commerce at 10 a. m. Tuesday, February 27. The hearings will be subdivided into five general heads, general legislation, drugs, food, cosmetics, and advertising. Each group will be expected to agree on a spokesman for that group.

DILL TO HAVE BILL READY MARCH 1

The Dill Communications Commission bill will be completed and ready for introduction about March 1, Senator C. C. Dill, chairman of the Senate Interstate Commerce Committee, said this week. The bill, Senator Dill says, will avoid controversial provisions and it is his hope that it can be passed during the present session of Congress.

CONFERENCE OF CODE AUTHORITIES

General Hugh S. Johnson, Administrator, has called a general conference of Code Authorities and of Code Committees of industries whose proposed codes of fair competition have been in public hearing, to be held on March 5 to 8, inclusive, in Washington.

The conference will include the consideration in public sessions of the possibilities of increasing employment; protections against destructive competition and against excessive prices of monopolistic tendencies; the elimination of inequalities and inconsistencies in codes; the position of small enterprises; and the vast problem of code administration and the organization of industry for self-government.

CODE AUTHORITY WILL MEET MARCH 3

Chairman John Shepard, 3rd, has called a meeting of the Code Authority for the Radio Broadcasting Industry at Washington on March 3. This meeting has been called to complete the drafting of the report to the Administrator on the hours, wages and working conditions of broadcast technicians, and the relation thereof to general conditions within the Industry. It is expected that the members of the Code Authority will be present during the general conference of Code Authorities called by General Johnson, and that they will meet again immediately after March 8.

COMMISSION HEARS CLEAR CHANNEL CASE

A hearing before the Federal Radio Commission, sitting en banc, on the applications of WTIC, WBAL, KRLD, and KTHS for increased operating hours was begun Wednesday, February 14.

Indications were that the hearing would be completed by Saturday.

Under the present assignments, KTHS and KRLD share time on 1040 kilocycles, and WTIC and WBAL share time on 1060 kilocycles. The applicants seek authorization to operate WBAL and KTHS simultaneously during daylight on 1060 kilocycles until local sunset at Hot Springs, at which time KTHS proposes to sign off until 8 p. m., CST, then to operate on 1060 kilocycles until midnight, CST. WBAL proposes to operate on 1060 kilocycles throughout the day until 9 p. m., EST, after which hour WBAL and WJZ will synchronize on 760 kilocycles. WTIC and KRLD propose to operate simultaneously day and night on 1060 kilocycles, WTIC using 50 kilowatts and KRLD using 10 kilowatts.

The respondent stations in this hearing are KWJJ, Portland, Ore. (500 watts, 1060 kilocycles, limited time), WJAG, Norfolk, Nebr. (1060 kilocycles, 1 kilowatt, limited time), and WESG, Elmira, N. Y. (1040 kilocycles, 1 kilowatt, daytime). If the applications are granted without modification, WJAG would necessarily lose about an hour a day, and WESG would necessarily change its operating frequency, to which, it is reported, some objection is made.

The group of applications constitutes the second recent attempt at breaking down the clear channel allocation, the first having been made about a month ago by WIS.

The applications request experimental authorization, and it is understood that efforts will be made to minimize interference during simultaneous night operation.

NO COMMISSION MEETING FRIDAY

Due to the hearing in progress on the applications of WTIC, WBAL, KRLD, and KTHS, the regular Friday Commission meeting was postponed.

C. C. I. R. MEETING POSTPONED

The next meeting of the group preparing the United States opinions for the forthcoming C. C. I. R. meeting at Lisbon in September has been postponed from Wednesday, February 21, to Monday, February 26, at 9:30 a. m. in Room 303, Federal Radio Commission, Washington, D. C.

URGES EDUCATIONAL STATIONS IN NEW BAND

The Federal Radio Commission is sending to all colleges and universities in the United States a copy of its rules and regulations relating to the opening up of the band between 1500 and 1600 kilocycles and a copy of a letter from Senator C. C. Dill, chairman of the Senate Interstate Commerce Committee, in which he urges that colleges and universities be invited to operate stations in this new band.

The text of Senator Dill's letter follows:

"I understand that the Radio Commission has opened certain wave lengths for experimental broadcasting purposes above the present broadcast band, namely, frequencies of 1530, 1550 and 1570 kilocycles. I am delighted that the Commission has taken this action and I hope experimental stations on these frequencies will be made to serve the public interest quite effectively.

"As you know, I have long hoped to see some kind of educational station set up in this country. Recognizing the tremendous pressure on the Commission by existing commercial systems for all of the wave lengths available, I have not urged setting aside any of those wave lengths for educational stations. It has been suggested to me, and the suggestion seems wise, that if various colleges and universities would apply for use of these new frequencies for experimental purposes, that might become the nucleus around which to build a great system of educational broadcast stations in the United States.

"For this reason I am suggesting that the Commission write the different universities, colleges and scientific educational organizations, calling attention to this action by the Commission and asking whether or not they would be interested in the setting up of an experimental station with a view to developing an educational broadcasting system in this country. It seems to me under the Radio Law the Commission might well initiate such a proposal.

"I would appreciate it if you would call this to the attention of the Commission. It may be that the various colleges and universities are not now financially able to do this, but it would show that the Commission is anxious and desirous of meeting the public demand for more educational programs in this country."

MORE RADIO BILLS INTRODUCED

Two new radio bills were introduced in the House of Representatives this week, one (H. R. 7974), introduced by Representative Bland of Virginia, "to prohibit the broadcasting by radio of advertisements of or information concerning lotteries," and the other (H. R. 7986), by Representative McFadden of Pennsylvania, dealing with free speech on the radio. Both bills were referred to the House Committee on Merchant Marine, Radio and Fisheries.

The Bland bill follows:

"That no person shall broadcast by means of any radio station for which a license is required by any law of the United States, and no person, firm, or corporation operating any such station shall knowingly permit the broadcasting of any advertisement of, or information concerning, any lottery, gift enterprise, or similar scheme, offering prizes dependent in whole or in part upon lot or chance, or any list of the prizes drawn or awarded by means of any such lottery, gift enterprise, or scheme, whether said list contains any part or all of such prizes. Any person, firm, or corporation violating any provision of this Act shall, upon conviction thereof, be fined not more than $1,000 or imprisoned not more than one year, or both, for each and every day during which such offense occurs."

The McFadden bill follows:

"That the Radio Act of 1927, approved February 23, 1927, as amended (44 Stat. 1162), is amended by the addition of two new sections to follow section 28 of said Act (44 Stat. 1172), said new sections to read as follows:

" 'No person, persons, company, association, or corporation owning and operating a radio broadcasting station, and receiving and broadcasting radio programs for hire, shall discriminate in the use of such station in favor of a program of speech sponsored by any person who is a legally qualified candidate for any public office, and/or by any religious, charitable, or educational company, corporation, association, or society or any other like association or society, and against or to the exclusion of another person who is a legally qualified candidate for any public office, or of another religious, charitable, or educational company, corporation, association, or society chartered or licensed under the laws of the United States, because and for the reason that such person, religious, charitable, or educational company, corporation, association, or society holds and promulgates and advocates views contrary to those expressed in programs that have been broadcast. The owner, lessee, or operator of any broadcasting station contracting for or accepting and broadcasting radio programs for one legally qualified candidate for a public office, and for one class of religious, charitable, or educational company, corporation, association, or society, and refusing to contract for or to accept and broadcast for hire radio programs of speech offered for broadcast by another legally qualified candidate for a public office, or by any other religious, charitable, or educational company, corporation, association, or society within the provisions of this section, because or for the reason that such legally qualified candidate, or such religious, charitable, or educational company, corporation, association, or society holds or promulgates a contrary or different view from that which is expressed by the person or parties broadcasting programs, shall be deemed guilty of an unlawful discrimination. All persons, companies, corporations, or associations owning and operating a radio station who shall be guilty of a misdemeanor shall be punished by a fine of not less than $500 nor more than $5,000, and in addition thereto may be required to forfeit the license for operating such broadcasting station.

" 'No person, persons, company, association, society, or corporation shall by threats, or by coercion, or by misrepresentation, or any other like manner interfere with or prevent, or attempt to interfere with or prevent, the broadcasting of any radio program by any owner, lessee, or operator of any radio broadcasting station; or interfere with or attempt to interfere with, or to prevent any owner, lessee, or operator of any radio broadcasting station from entering into a contract with another person, persons, company, association, society, or corporation, to accept, receive, and broadcast programs of speech and music by radio. No person, persons, company, association, society, or corporation shall induce or attempt to induce any person, persons, company, association, society, or corporation to withdraw business or financial support or social intercourse from any radio broadcasting station, or the owner, lessee, or operator of any radio broadcasting station in the use and operation of such radio station or in the broadcasting of any and all programs offered to be broadcast, or which may be broadcast at any such station. Any person, persons, association, society, or

corporation violating this section shall be guilty of a misdemeanor punishable by a fine of not less than $500 nor more than $5,000, or in the case of an individual or the responsible officials of an association or corporation, by imprisonment for a term of not less than sixty days nor more than two years, or by both such fine and imprisonment.'"

MEXICAN TREATY TO BE TAKEN UP

The Foreign Relations Committee of the Senate will meet on Wednesday in executive session to discuss the proposed radio treaty with Mexico.

DEMANDS INVESTIGATION OF ASCAP

The Federal Trade Commission was asked this week to institute an investigation of the American Society of Composers, Authors and Publishers by the Music Users' Protective Association of America.

The petition filed by the music users group by its attorney, Harry L. Katz, Baltimore, Md., accuses the Society of violating the anti-trust laws, of unfair methods of competition, and with racketeering.

The petition states:

"That before any proprietor of any business can play or use music in his establishment, he is compelled to take a license from the composers' organization at fees fixed by the organization, or face civil or criminal prosecution on the theory of infringement of copyrighted matter.

"That the society is in position to dictate the terms upon which a business dependent upon the use of music might continue to exist, a power which it has exercised to a degree, in some instances, where persons have been forced out of business.

"That large users of music, such as radio broadcasting stations, theaters, etc., because of the organization's alleged monopoly, deal only with it.

"That the requirements and qualifications demanded by the society from a composer or publisher seeking membership are so strict that it is practically impossible for the "average" or "small" composer or publisher to become a member, thus compelling individual composers to sacrifice their works at nominal sums."

It was also reported this week that the Society has put checkers to work checking performances of musical compositions in hotels. Failure of the hotels and the Society to come to an understanding with respect to license fees has stimulated interest in the copyright controversy by the organized hotels and action from this group is expected very shortly.

The *Orchestra World* this week launched an attack against the Music Publishers Protective Association claiming that the code for the music publishing industry is unfair to orchestras and seeks to give the organized publishers an absolute monopoly on the business of publishing and distributing music. The publishers drew a protest from Local 802, A. F. of M., which claimed that "by far the greater part of this music is not of their creation but is rather the result of resurrecting and revamping compositions of the old masters handed down from posterity and actually public domain."

THE INDIVIDUAL STATION MARKET

"The tendency toward a concentration of accounts in a comparatively few lines of business on the part of the average radio station has been one of the interesting facts revealed from an examination of station returns made in connection with the NAB Statistical Service," according to Dr. Herman S. Hettinger, radio economist and instructor at the University of Pennsylvania.

"Compared to the wide variety of potential users of radio advertising, the list of accounts of the typical station contains relatively few types of concerns. In addition, no two stations seem to specialize in the same direction. These facts lead one to conclude that the market for individual station radio advertising is not being culled as thoroughly as it might be.

"The remarkably wide variety of products and types of concerns using individual station radio advertising tends to confirm this conclusion. The following list represents the more important types of products advertised locally over the air on approximately 100 stations during the month of October. These products were advertised by a variety of types of business organizations: local manufacturers, department stores, chain stores, general stores, specialty shops of different kinds, wholesale houses, public utility companies, restaurants, hotels and similar institutions.

The list is by no means a complete roster of the potential users of radio advertising, but it may form a helpful starting point for the commercial manager making an inventory of the possibilities of his local market and the extent to which he has availed himself of them.

Apples
Auctions
Automobiles
Automobile accessories
Automobile service and repairing
Automobile storage
Bakeries and baked goods
Baking powder
Banks
Bananas
Batteries and battery service
Beans
Beauty parlors
Beer
Bedding
Books and book shops
Bread
Brushes
Burial lots
Bus service
Butter
Candy stores
Canned foods
Cigars
Classified ads (lost & found, etc.)
Clothing, including—
  Men's shops
  Tailoring establishments
  Women's specialty shops
  Small dress shops
  Department stores
Coal
Coke
Cosmetics
Crackers
Dairy products
Dance halls
Dentists
Department stores
Drayage and hauling service
Dress shops
Dry goods establishments
Electric lamps
Electric ranges
Electric refrigerators
Fairs
Farm equipment
Feed
Fertilizer
Finance companies
Fish and fish markets
Flour
Flower shops
Foundation garments
Furniture
Furs
Garages
Gas appliances
Gasoline
Gift shops
Ginger ale
Glycerine
Haberdashery
Hardware
Hat shops
Heat regulators
Hotels
Ice
Ice cream
Insurance
Interior decorators
Jewelry stores
Laundries
Lumber companies
Macaroni
Mail order stores
Mayonnaise
Meat products
Millinery shops
Motion picture houses
Music lessons
Newspapers
Nurseries
Office supplies
Optometrists
Paints
Parking places
Perfumes
Pharmaceuticals
Photographers
Piano tuning
Piston rings
Political parties
Potato chips
Pretzels
Radio repairing
Radio stores
Real estate
Religious institutions
Restaurants

Rugs
Rug cleaners
Safety locks
Schools
Sewing machines
Shoe stores
Shoe repairing
Shrubbery
Silverware
Soap
Solder
Sports contests
Storage warehouses
Tailors
Taxi service
Tea
Tires
Train service
Typewriters
Undertakers
Used cars
Vacuum cleaners
Wall paper
Washers
Washing fluids
Wholesale grocers
Wire fencing

RADIO SERVICE FROM PLANES

The Commission has amended its rules and regulations regarding aeronautical radio service so as to permit the handling of general public message correspondence between aircraft and aeronautical ground stations. The new regulations, applicable to all transport air lines, are designed to promote safety, and at the same time permit passengers in aircraft to send and receive private radio telegrams. In the handling of messages for the public, priority must be given to safety messages. To this end, the equipment to be used and the operators' listening watches, must be such as to permit the immediate interruption of public service messages whenever it is necessary to send or receive emergency traffic.

ENGINEERS TO MEET APRIL 27

Arrangements have now been concluded between the Institute of Radio Engineers and the American Section of the International Scientific Radio Union for a joint meeting in Washington annually, according to Dr. J. H. Dellinger, Chief, Radio Section, Bureau of Standards. The first joint meeting will be held this year on Friday, April 27, and will be devoted to the presentation of papers on the more fundamental aspects of radio problems.

200 STATIONS WILL CARRY A. F. A. TALKS

Approximately 200 radio stations in as many cities, extending from Bangor, Maine, to the Pacific, will begin the broadcast of a series of fifteen "Short Talks on Advertising," through the cooperation of the Bureau of Research and Education of the Advertsing Federation of America this week.

These talks will be delivered weekly by local leaders, including manufacturers, proprietors of retail stores, publishers, advertising agents, and representatives of every form of advertising. In Advertising Club cities, the officers of the local clubs are cooperating with the radio stations and with the Federation in securing representative business men and women in their communities to deliver the series.

Each talk is approximately 500 words in length. The first four were released last month. The first of the series is under the title, "What is Advertising?" The second, which will follow in the week of February 19, is on the subject of "The Philosophy of Advertising." The subject of the third is "Money in Motion"; the fourth, "The Essence of Recovery."

These talks are intended primarily to cover the general functions of advertising and its service value to the millions of consumers of advertised products. They stress the importance of advertising as a factor in business recovery.

This is the second series sponsored by the Federation, the first of which was inaugurated last year. It is estimated that 3,500 of these Short Talks were delivered through more than 200 stations in 1933 and that as many or more will be delivered this year.

It is the plan of the Bureau of Research and Education, which is under the direction of Alfred T. Falk, to syndicate this material in revised form to newspapers, business papers, and periodicals after the radio series is opened. Last year, Mr. Falk reports, more than 500 newspapers and periodicals published the series, the publications cooperating having a combined circulation of more than a million.

At the conclusion of the radio series, the talks will be published in booklet form for distribution through the Federation's headquarters office.

SECURITIES ACT REGISTRATION

The following companies filed registration statements with the Federal Trade Commission under the Securities Act during the current week:

Bondholders' Protective Committee Formed for the Purpose of Conserving and Advancing the Interests of Holders of First Mortgage 6 Per Cent Sinking Fund Gold Bonds Issued by the Mayflower Hotel Company of Washington, D. C., Under Deposit Agreement and Dated September 28, 1931, Washington, D. C. (2-650)

Llano Del Rio Company of Nevada, Newllano, La. (2-651)

Canadian Wineries, Ltd., Toronto, Canada. (2-652)

Boston Gold Mining Company, Idaho Springs, Col. (2-653)

Bank and Insurance Shares, Inc., Philadelphia, Pa. (2-654)

Protective Committee for American Type Founders Company Six Per Cent Sinking Fund, New York City, N. Y. (2-655)

Pioneer Reserve Investment Company, Kansas City, Mo. (2-656)

N. E. Richards, and Others, Kutztown, Pa. (2-657)

Bondholders' Protective Committee for the Cambridge Apartments, New York City, N. Y. (2-658)

Protective Committee First Mortgage Six Per Cent Sinking Fund Gold Bond Certificates of 98 Riverside Drive Corporation, New York City, N. Y. (2-659)

Certificate Holders' Committee Realty Foundation, Inc., New York City (2-660)

Bondholders' Committee Realty Foundation, Inc., New York City (2-661)

Central States Edison Company First Lien Bondholders Committee, New York City (2-262)

Glasston Corporation, New York City (2-663)

Commonwealth Tunnel Transportation Company, Georgetown, Colo. (2-664)

Transcontinental Rest Cabins, Inc., New York City (2-665)

Protective Committee for the First Mortgage Six Per Cent Serial Gold Bonds of Federal District Trust, Hartford, Conn. (2-666)

W. Dale Clark and Others, Omaha, Nebr. (2-667)

Reorganization Committee, Hawley Pulp and Paper Company, Portland, Ore. (2-668)

Fundamental Investors, Inc., Jersey City, N. J. (2-669)

FEDERAL RADIO COMMISSION ACTION

HEARING CALENDAR

Wednesday, February 21, 1934

Oral Argument Before Commission en banc

WEVD—Debs Memorial Radio Fund, New York, N. Y.—Modification of license; **1300 kc.**, 1 KW, shares with WBBR, WFAB, and WHAZ. Present assignment, **1300 kc.**, 500 watts, shares with WBBR, WFAB, and WHAZ.

Friday, February 23, 1934

WJBW—Charles C. Carlson, New Orleans, La.—Modification of license; **1200 kc.**, 100 watts, unlimited time (facilities of WBBX). Present assignment, **1200 kc.**, 100 watts, shares with WBBX.

WBBX—Samuel D. Reeks, New Orleans, La.—Voluntary assignment to Coliseum Place Baptist Church; **1200 kc.**, 100 watts, shares with WJBW.

WBBX—Samuel D. Reeks, New Orleans, La.—Renewal; **1200 kc.**, 100 watts, shares with WJBW.

APPLICATIONS GRANTED

WCNW—Arthur Faske, Brooklyn, N. Y.—Granted modification of C. P. authorizing approval of transmitter site in Brooklyn, completion of construction by May 1, 1934.

WHDF—The Upper Michigan Broadcasting Co., Calumet, Mich.—Granted modification of license to change specified hours of operation to: Daily except Sunday, 10:30 a. m. to 12:30 p. m. and 3:30 to 6:30 p. m.; Sunday, 9 a. m. to 1 p. m. and 3 to 7:30 p. m., CST.

WSAZ—WSAZ, Inc., Huntington, W. Va.—Granted modification of license to increase power from 500 watts to 1 KW.

WHBU—Anderson Broadcasting Corp., Anderson, Ind.—Granted C. P. to rebuild station destroyed by fire, install new equipment, and move transmitter and studio within building; **1210 kc.**, 100 watts, unlimited time.

WKBV—William O. Knox, d/b as Knox Battery & Electric Co., Richmond, Ind.—Granted special temporary authority to operate from 8:30 to 10 a. m. and from 1 to 6 p. m., CST, March 2 and 3; and from 1 to 6 p. m., CST, on March 10.

KVOA—Arizona Broadcasting Co., Inc., Tucson, Ariz.—Granted special temporary authority to operate from 3 to 6 p. m., MST, February 17 and 18.

KFJB—Marshall Electric Co., Inc., Marshalltown, Iowa—Granted special temporary authority to operate from 9 p. m. to 12 midnight, CST, February 17.

Stations WIP, WFI, and WLIT, of Philadelphia, were granted extension of temporary experimental authority to operate with 500 watts additional power during daytime hours only for the next regular license period.

SET FOR HEARING

NEW—John V. L. Hogan, Long Island City, N. Y.—C. P. (experimental broadcast); **1550 kc.**, 1 KW, unlimited time; to be heard by the Commission en banc April 4.

NEW—L. M. Kenneth, Indianapolis, Ind.—C. P. (experimental broadcast); **1530 kc.**, 1 KW, unlimited time; to be heard by the Commission en banc April 4.

NEW—American-Republican, Inc., Waterbury, Conn.—C. P. (experimental broadcast); **1530 kc.**, 1 KW, unlimited time; to be heard by the Commission en banc April 4.

NEW—Fred W. Christian, Jr., and Raleigh W. Whiston, d/b as Christian & Whiston, Norco, Calif.—C. P. (experimental broadcast); **1570 kc.**, 1 KW, unlimited time; to be heard by the Commission en banc April 4.

ACTION ON EXAMINER'S REPORT

NEW—Ex. Rept. No. 515: Leo J. Omelian, Erie, Pa.—Granted C. P. for new station to operate on **1420 kc.**, 100 watts, unlimited time, sustaining Examiner Geo. H. Hill. (Commissioners Hanley and Lafount dissented.)

MISCELLANEOUS

WHAD—Marquette University, Milwaukee, Wis.—Reconsidered and set for hearing application for consent to voluntary assignment of station license to WHAD, Inc., because of protest of Station WISN.

APPLICATIONS RECEIVED

First Zone

WNEW—WODAAM Corporation, Newark, N. J.—License to cover construction permit granted 9-12-33 to consolidate WAAM and WODA; move transmitter and studio; use power of 1 KW, 2½ KW LS; share WGCP (1/7 for WGCP).

WNEL—Juan Piza, San Juan, P. R.—Modification of construction permit granted 12-15-33 to install new equipment.

NEW—A. V. Tidmore, Salisbury, Md.—Construction permit to erect new station to operate on **1200 kc.**, use power of 100 watts, daytime. Transmitter and studio locations to be determined, Salisbury, Md.

Second Zone

WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.—License to cover construction permit granted 12-26-33 to make changes in equipment.

WGBI—Scranton Broadcasters, Inc., Scranton, Pa.—Construction permit to make changes in equipment and increase power from 250 watts to 1 KW.

WGBI—Scranton Broadcasters, Inc., Scranton, Pa.—Extension of special experimental authorization to operate with 500 watts on experimental basis.

WKRC—WKRC, Inc., Cincinnati, Ohio—Extension of special experimental authorization to use 1 KW until 9-1-34.

Third Zone

WDAE—Tampa Publishing Co., Tampa, Fla.—Consent to voluntary assignment of license to Tampa Times Company, Tampa, Fla.

WAMC—Raymond C. Hammett, Anniston, Ala.—Modification of construction permit granted 5-23-33 to extend dates of commencement and completion to 3-1-34 and 5-1-34, respectively.

WHEF—J. Niles Boyd Wholesale Grocery Co., J. O. Ashworth and J. R. Smithson, d/b as Attala Milling and Produce Co., Kosciusko, Miss.—Modification of construction permit granted 3-18-32 to extend dates of commencement and completion to 2-24-34 and 6-24-34, respectively.

KTRH—KTRH Broadcasting Company, Houston, Tex.—Extension of special experimental authorization to use power of 1 KW; also request to use frequency of **630 kc.** on experimental basis.

WJDX—Lamar Life Insurance Co., Jackson, Miss.—Construction permit to increase power from 1 KW to 1 KW, 2½ KW LS, and make changes in equipment. Amended re equipment changes.

WPTF—WPTF Radio Company, Raleigh, N. C.—Modification of construction permit granted 6-9-33 to extend commencement date to 2-19-34 and completion date to 5-17-34.

WKFI—J. Pat Scully, Greenwood, Miss.—Modification of construction permit to move transmitter and studio to 1635 Carrollton Ave., Greenwood, Miss., and extension of commencement and completion dates.

Fourth Zone

KFGQ—Boone Biblical College, Boone, Iowa—Modification of license to change hours of operation from S. H. to unlimited.

WJBC—Wayne Hummer and H. J. Dee, d/b as Kaskaskia Broadcasting Co., La Salle, Ill.—Construction permit to move studio and transmitter to Wesleyan College Campus, Bloomington, Ill.

NEW—KWIL Broadcasting Company, Williston, N. Dak.—Construction permit to erect new station to operate on **1500 kc.**, power of 100 watts, daytime.

Fifth Zone

None.

APPLICATIONS RETURNED

NEW—American-Republican, Inc., Waterbury, Conn.—Special experimental authorization to operate on **1520 kc.**, power of 1 KW, unlimited time. (Improper application form.)

NEW—Walter E. Freedman, Douglas, Ariz.—Construction permit to erect new station to operate on **1320 kc.**, use power of 100 watts, unlimited time. (Rule 6, time and power.)

WCAZ—Superior Broadcasting Service, Inc., Carthage, Ill.—Modification of license to increase power from 50 watts to 100 watts and to operate any and all daylight hours necessary for police broadcasts in addition to present license. (Violation Rule 5.)

KGW—Oregonian Publishing Co., Portland, Ore.—Modification of license to cover construction permit. (Improper application.)

The National Association of Broadcasters

NATIONAL PRESS BUILDING ★ ★ ★ ★ ★ WASHINGTON, D. C.

PHILIP G. LOUCKS, Managing Director

NAB REPORTS

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PRALL NAMED COMMISSION MEMBER

Representative Anning S. Prall of New York was appointed by President Roosevelt to be a member of the Federal Radio Commission from the first zone, succeeding Commissioner W. D. L. Starhuck, whose term expired this week.

The appointment came as a surprise to Washington radio circles, since Mr. Prall has never taken an active interest in radio legislation during his twelve years in the Congress.

It is expected that his nomination will be confirmed by the Senate promptly, since it is customary to confirm members of Congress when they are appointed to posts by the Chief Executive.

Mr. Prall prefers to stay in Congress until the end of the present session because he is interested in some important committee work. However, if the President desires, he will take over the radio post at once.

He made no campaign for the position as member of the Commission. He considers that the appointment was a personal one with the President inasmuch as he had known the President for many years. He came closely in touch with Mr. Roosevelt years ago, he stated, when he was a member of the New York City Board of Education.

Mr. Prall is a Democrat from Staten Island, N. Y., and was appointed a member of the New York City Board of Education January 1, 1918, and three times elected its president, serving 1919, 1920 and 1921. He was appointed a commissioner of taxes and assessments for the city of New York on January 1, 1922, and elected to the Sixty-eighth Congress on November 6, 1923. He has been reelected ever since.

BROADCASTING SURVEY POSTPONED

The survey of broadcasting, which was to have been made by a special committee to be appointed by Secretary of Commerce Roper, is indefinitely postponed. The Secretary stated this week that members of Congress interested in radio had communicated with him stating that in their opinion the proposed survey should be held up until after the passage of the Communications Commission bill. As originally proposed, the survey was to be used as a guide to legislation.

In the meantime, Senator C. C. Dill, chairman of the Senate Interstate Commerce Committee, is busy preparing his Communications Commission bill. He expects to have the bill completed by March 1 or shortly thereafter.

FOOD AND DRUGS HEARING NEXT WEEK

The Senate Committee on Commerce will hold hearings on the Copeland food and drugs bill next week. The NAB has asked permission to be heard on the revised Copeland measure—S. 2800—along with numerous others interested in the bill.

NEWSPAPER CODE IS APPROVED

President Roosevelt on February 17 approved the daily newspaper publishers code and at the same time expressed dissatisfaction with the child labor provisions of the code. He also laid down a condition requiring publishers having a circulation of 75,000 or more in cities of 750,000 population or more to install a five-day 40-hour week for staff writers.

He accepted the "freedom of press" clause, which has been the subject of considerable controversy, with the statement that "the freedom of the press clause in the Code has no more place here than would the recitation of the whole Constitution or the Ten Commandments. The freedom guaranteed by the Constitution is freedom of expression and that will be scrupulously respected."

In his report transmitting the code to the President, General Johnson, NRA Administrator, commented upon the analogy of a licensed radio and a licensed press.

"Broadcasting without some governmental supervision is hardly conceivable," the General said. "A newspaper can be printed in any form that the proprietor desires without preventing the publication of another newspaper. Unless broadcasters are limited to different wave lengths they interfere with each other. A newspaper cannot pi its competitor's type, but without government control of wave lengths we would have symphonies, bedtime stories, crooners, and astrological lore all mixed up in an unintelligible mêlée of sounds. In the light of this fundamental difference, newspapers as newspapers ought not to think that so long as free government lasts public control of broadcasting is any precedent for public supervision of publishing."

SENATE PASSES DILL BILL

Hearings on the Bland bill to prohibit the broadcasting by Mexican stations of programs originating in the United States were continued on Friday for the purpose of hearing objections interposed by Radio Productions, Inc., of New York, and at the conclusion of the hearing it was announced that further hearings will be held next week.

At the Friday hearing before the House Committee on Merchant Marine, Radio and Fisheries, Judge E. O. Sykes, chairman of the Federal Radio Commission, objected to an amendment proposed by the NAB and included in the Senate bill which would protect the broadcast of programs originating in the United States and Canada.

Senator Dill, chairman of the Senate Interstate Commerce Committee, reported, with the NAB amendment, S. 2660, on which hearings were held last week, and the bill was passed by the Senate this week. The bill was printed in full in the February 19 issue of this BULLETIN.

There was no discussion at all of the bill during its passage other than a short explanation made by Senator Dill. He said that it was suggested by the Radio Commission, and continued:

"The committee have reported it separate and apart from any other radio legislation, because we felt it was rather imperative to have it passed as soon as possible. At the present time some of those who have been refused a renewal of their licenses, or who have had their licenses revoked, and who have been operating radio stations in the United States, have gone down to Mexico and secured licenses from Mexico, and have erected large stations on the Mexican side of the line for the purpose of broadcasting back into the United States. They have established studios on the American side of the line, some of them at a considerable distance back in the country.

"The purpose of this provision is to prohibit the studios of these stations from operating in the United States unless they can get a permit from the Federal Radio Commission. It is simply to put a stop to the defiance of the Commission so far as we can by law. The amendment is simply to make it unnecessary to have permits where the broadcasting is simultaneous between an American and a foreign station, such as when we are hooked up with Canada or when we are connected with other foreign countries. There was no objection to the bill from any source that we could learn."

The amendment inserted by the Senate follows:

"That nothing in this section shall apply to the use of any studio, place, or apparatus in connection with any program which is broadcast simultaneously by a foreign radio station and by any radio broadcasting station licensed by the Federal Radio Commission."

RADIO-NEWS PROGRAM CRITICIZED

Senator C. C. Dill, chairman of the Senate Interstate Commerce Committee, on February 19 criticized the recently promulgated radio press news program in a speech on the floor of the Senate.

Quoting the text of the program from last week's issue of NAB REPORTS, Senator Dill said he had received many letters complaining about the restriction of news. Without exception, he said, the letters "complained very bitterly" against the proposal.

"I have no desire to criticize what the Associated Press or the United Press, or the other press associations, or the broadcasting chains may decide to do about the news they collect," he said, "but I do have this to say about the public service to be rendered by radio. There are literally millions of people in the country who depend upon the announcement of news over the radio to get the news events of the world. In many cases at this time of the year they know what is happening in the world 2 or 3 days ahead of any time they could learn it through the newspapers.

"I venture the prediction that this order will not be carried out by all radio stations in the country so far as news service is concerned. If the press associations of the country and the broadcasting chains insist that there shall not be more than 5 minutes of news service over the radio and that only after 9:30 o'clock in the morning and after 9 o'clock at night, I venture the prediction there will be a radio news service established in the country that will give the news collection agencies a good deal more trouble than they have ever had up to this time from radio broadcasts. The people of the country expect the radio stations to give them information. The radio stations are giving them information at this time.

"I dare to suggest to the news-gathering associations that they cannot do more to popularize their own newspapers than to allow a larger use of their services than 5 minutes twice a day after 9:30 o'clock in the morning and after 9 o'clock at night. I believe they are in position to combine with the news-gathering agencies of America and the world to give to the American people the greatest news service ever known to the human family. No suppression of this kind can long keep the people from securing the service from the radio stations which those stations are able to give. I earnestly hope they will see that it will be to their interest to satisfy the desires of the people for this information, and not attempt to shut off a great radio service in the form of news in this country."

FORMING NEW RADIO NEWS ORGANIZATION

A group of important radio stations, spurred by the recent radio press program to limit the broadcast of news to two periods a day, are forming an independent radio news service which will be ready for operation on March 1, the effective date of the radio press program. This action has resulted from what these stations believe to be an arbitrary attitude of the press associations and newspapers with respect to the broadcast of news. The movement for an independent news organization has revolved around Station KFI, Los Angeles, Calif., which has protested vigorously against the program to restrict the broadcasting of news. Some twelve or more important stations have agreed to participate in the independent news arrangement. These stations are encouraged in their effort by Senator Dill's comment on the news program and intend to pool news collected by trained reporters on the staffs of each participating station, maintaining the service on a cooperative basis much after the manner of the press associations.

JUSTICE DEPARTMENT PURSUES ASCAP

Investigation by the Department of Justice of complaints against alleged unlawful copyright licensing practices of the American Society of Composers, Authors and Publishers took a new turn this week when the *Baltimore Sun* reported that Charles B. Brewer, special assistant to Attorney General Cummings assigned to the Criminal Division of the Department, spent most of Tuesday in the offices of Simon E. Sobeloff, United States District Attorney.

"Mr. Brewer, who conferred with James K. Cullen, Mr. Sobeloff's chief assistant, declined to be interviewed," said the *Baltimore Sun*. "It was learned, however, that he went through the District Attorney's files on cases bearing on the prosecution of copyright law violations and took up with Mr. Cullen various complaints which have been made here against the Society of Composers, Authors and Publishers.

"Among the cases looked up by Mr. Brewer was that of William Kim, 18, of Philadelphia, who on December 23, 1931, was sentenced to a year and a half at a Federal prison camp by Judge William C. Coleman in the United States District Court. Kim pleaded guilty to violating the copyright laws by selling 'pirated' song sheets on the streets. The prosecution of Kim was instigated by agents of the Society.

"Just what action will follow Mr. Brewer's visit here was not revealed. It was learned, however, that he would make a report to the Attorney General on the result of his investigation. Mr. Brewer took with him a number of copies of song sheets similar to those which Kim was selling."

COMMITTEES ARE APPOINTED

President McCosker this week announced the following committee appointments:

Commercial Committee

Arthur B. Church, Radio Station KMBC, Kansas City, Missouri.
H. K. Carpenter, Radio Station WPTF, Raleigh, North Carolina
Leslie Fox, Radio Station WSM, Nashville, Tennessee.
Martin Campbell, Radio Station WFAA, Dallas, Texas.
H. K. Boice, Radio Station WABC, New York, N. Y.
Roy C. Witmer, Radio Station WJZ, New York, N. Y.
John Patt, Radio Station WGAR, Cleveland, Ohio.
Leon Levy, Radio Station WCAU, Philadelphia, Pennsylvania.
Charles Chatterton, Radio Station KGW, Portland, Oregon.
Roy Harlow, Radio Station WAAB, Boston, Massachusetts.
S. G. Persons, Radio Station WSFA, Montgomery, Alabama.

Cost Accounting Committee

H. K. Carpenter, Radio Station WPTF, Raleigh, North Carolina
Walter J. Damm, Radio Station WTMJ, Milwaukee, Wisconsin
M. R. Runyon, Radio Station WABC, New York, N. Y.
H. F. McKeon, Radio Station WJZ, New York, N. Y.
R. W. Hoffman, Radio Station WHFC, Chicago, Illinois.
Lewis Weiss, Radio Station WJR, Detroit, Michigan.
J. H. Ryan, Radio Station WSPD, Toledo, Ohio.
J. L. Kaufman, Radio Station WCAE, Pittsburgh, Pennsylvania.
I. Z. Buckwalter, Radio Station WGAL, Lancaster, Pennsylvania

Engineering Committee

J. A. Chambers, Chairman, Radio Station WLW, Cincinnati, Ohio
C. W. Horn, Radio Station WEAF, New York, N. Y.
E. K. Cohan, Radio Station WABC, New York, N. Y.
E. L. Gove, Radio Station WHK, Cleveland, Ohio.
John E. Burrell, Radio Station KJBS, San Francisco, California
J. H. DeWitt, Jr., Radio Station WSM, Nashville, Tennessee.
Frank B. Falknor, Radio Station WBBM, Chicago, Illinois.
Carl Myers, Radio Station WGN, Chicago, Illinois.
John E. Fetzer, Radio Station WKZO, Kalamazoo, Michigan.

Tax Committee

E. M. Elkin, Radio Station KDKA, Pittsburgh, Pennsylvania.
P. J. Hennessey, Radio Station WJZ, New York, N. Y.
Sydney M. Kaye, Radio Station WABC, New York, N. Y.
A. Z. Moore, Radio Station WKJC, Lancaster, Pennsylvania.
Edgar T. Bell, Radio Station WKY, Oklahoma City, Oklahoma.

Wiley P. Harris, Radio Station WJDX, Jackson, Mississippi.

Gerald King, Radio Station KFWB, Hollywood, California.

Birt Fisher, Radio Station KOMO, Seattle, Washington.

Television Committee

Walter J. Damm, Chairman, Radio Station WTMJ, Wilwaukee, Wisconsin.

Arthur B. Church, Radio Station KMBC, Kansas City, Missouri.

William H. West, Radio Station KSD, St. Louis, Missouri.

Harry Sadenwater, RCA-Victor Company, Camden, New Jersey.

John V. L. Hogan, Radio Station W2XR, New York, N. Y.

Legislative Committee

Henry A. Bellows, Chairman, Radio Station WCCO, Minneapolis, Minnesota.

John J. Gillin, Jr., Radio Station WOW, Omaha, Nebraska.

G. C. Hamilton, Radio Station KFBK, Sacramento, California.

P. J. Meyer, Radio Station KFYR, Bismarck, North Dakota.

Harold Wheelahan, Radio Station WSMB, New Orleans, Louisiana.

Frank M. Russell, Radio Station WRC, Washington, D. C.

L. B. Wilson, Radio Station WCKY, Covington, Kentucky.

Edgar Twamley, Radio Station WBEN, Buffalo, New York.

Frank Megargee, Radio Station WGBI, Scranton, Pennsylvania.

S. A. Cisler, Radio Station WKBC, Birmingham, Alabama.

Program Committee

Edgar L. Bill, Radio Station WMBD, Peoria, Illinois.

Fred Willis, Radio Station WABC, New York, N. Y.

Harry C. Butcher, Radio Station WJSV, Washington, D. C.

John Henry, Radio Station KOIL, Council Bluffs, Iowa.

Rogan Jones, Radio Station KVOS, Bellingham, Washington.

Judith Waller, Radio Station WMAQ, Chicago, Illinois.

Charles A. Sessions, Radio Station WIBW, Topeka, Kansas.

F. R. C. LIQUOR ANNOUNCEMENT UNDER FIRE

A caustic attack upon the Federal Radio Commission's ambiguous press announcement relating to liquor advertising was launched on the floor of the House by Representative Cellar of New York. At the same time, in an exchange of correspondence with Henry A. Bellows, vice president of the Columbia Broadcasting System, the New York Congressman criticized the network for its policy of refusing liquor advertising. He took off his hat, however, to Alfred J. McCosker, president of the NAB and president of WOR, for putting on "liquor advertising broadcast after the Commission's absurd news release."

"To my mind," said Representative Cellar, "this news release is cowardly, unwarranted, and unjustifiable. It does not state that liquor advertising is banned. On the other hand, it lays down no definite rule for broadcasters to follow. If the Commission wishes to interdict liquor advertising, it should come out in the open and courageously say so. If it rears its head in that fashion, however, it can expect a 'good sock in the jaw'—if I may be pardoned this slang.

"The Commission knows this and would not dare risk condign criticism.

"It slyly and cowardly uses a one half way measure which I, as a Member of Congress, who have battled against prohibition for years, deeply resent. The Commission has no right to shield itself behind a news release of this character.

"The action of the Commission undoubtedly borders upon censorship. Congress gave no right of censorship to the Commission. The Commission has repeatedly denied that it seeks to exercise the right of censorship. Yet, in its carefully worded news release, it issues a warning which is tantamount to censorship.

"Incidentally, the news release is not definite as to whether a station which has a program which is not commercially sponsored can debate the question of liquor, and permit a person to speak on the worthwhileness of wine or other alcoholic beverages. We do not know even if such a talk shall be taboo. They do not say the talk will be banned or will not be banned if it is commercially sponsored by a distiller or vintner or wholesale liquor dealers. The meaning is not clear, being susceptible of several interpretations.

"But the Commission has no right to tell the public what it shall or shall not hear on the liquor question. If it exercises that right, it is exercising the power of censorship. If the Radio Commission can tell the people what they shall hear over the radio, the other agencies of the Government can tell the people what they shall read in books and periodicals carried through the mails or transported by railroads.

"Personally, I see no reason for such an expression of the views of the Commission. If anyone does not wish to listen to a broadcast on the liquor question, it is a simple matter for the listener to turn off the program.

"The Post Office Department no longer has the right to prevent the mailing of announcements about liquor even though the mail circulates in dry States. We recently repealed a statute which forbade the circulation in the mails of newspapers and publications containing liquor advertisements. Those advertisements may now be read by the most rabid of "drys" in dry States.

"There is thus expressed an attitude of Congress which the Radio Commission cannot disregard. Congress has stated that liquor dealers may circulate their advertisements in dry States. The Radio Commission should not now have the temerity to say to these same liquor dealers, 'You cannot broadcast information concerning your alcoholic beverages, whether the station is in a wet or a dry State, for fear the broadcast may reach the ears of those in dry States.' Such a position is utterly indefensible.

"On the one hand, we have the Government getting huge taxes from alcoholic beverages; in fact, the Government is encouraging huge importations of American-type whisky from Canada, Mexico, and elsewhere, from which importations there is yielded to the Government $7 a gallon, a huge amount. And on the other hand, the Radio Commission says that nothing shall be said about this liquor. Certainly it is far better to spread, as much as possible, the information about legal liquor so this Government can get much-needed revenue. Radio broadcasting helps circulate this information.

"Apparently the Radio Commission, by its foolish attitude, would encourage the clandestine manufacture and sale of liquor by racketeers and bootleggers. The President made a proclamation urging the nation to purchase lawful liquor. The bootlegger prefers to have the public know as little as possible about good brands, lawful beverages, and decent products. The less the people in dry States know about good liquor and lawful products the better are the opportunities for the bootlegger to peddle his wares in those dry States."

PRESIDENT TO ADDRESS CODE AUTHORITIES

President Roosevelt will address the meeting of Code Authorities and Trade Association Executives to be held at Constitution Hall, Washington, March 5. The Code Authority for the Radio Broadcasting Industry will hold a meeting beginning March 3 and will attend the general meetings called by the NRA. Group conferences on employment, trade practices, administration, and the effect of codes on small enterprises will be held following the main conference.

RICORDI LICENSEES NUMBER 203

The number of member broadcasting stations who are licensed to use the world-famous compositions of G. Ricordi & Co., of Milan, passed the 200 mark this week, according to the announcement of Oswald F. Schuette, president of the Radio Program Foundation. The exact number of the Foundation licensees is now 203. This organization acquired the air-rights for that catalogue as the first step in the creation of an independent music pool, to broaden the fields from which American broadcasters may obtain their programs.

Network licenses for the use of this music have been issued to the National Broadcasting Company, the Columbia Broadcasting System, and the Yankee Network.

Stations which have not taken out licenses are asked to send their applications to the RADIO PROGRAM FOUNDATION, National Press Building, Washington, D. C. Program managers of licensed as well as unlicensed stations who desire to improve their schedules hy the hest use of the fine music in the Ricordi catalogue should write to Dr. Renato Tasselli, American representative of Ricordi, 12 West 45th Street, New York.

SALTZMAN RESIGNS FROM SHIPPING BOARD

Gen. Charles McK. Saltzman, former chairman of the Federal Radio Commission, has resigned as a member of the U. S. Shipping Board Emergency Fleet Corporation. He accepted the latter appointment at the request of Secretary of Commerce Roper. "Private reasons" were given for the General's resignation.

COURT UPHOLDS COMMISSION

The Court of Appeals of the District of Columhia this week affirmed the action of the Federal Radio Commission in connection with Station WOQ, Unity School of Christianity. It may be recalled that the Commission granting the application of Station KFH for full time on the air thereby deleted WOQ. The station appealed this decision and has heen overruled. The same court also denied a stay order to the Don Lee Broadcasting Corporation. The company asked for the facilities of Stations KTM and KELW for a new station at Redlands, Calif. The Commission denied this application and the Lee Corporation appealed to the Court, also asking a stay order. This stay order has heen denied.

MAKE PLANS FOR CONFERENCE

The executive council of the American Section of the International Radio Committee met this week to formulate plans for the coming sessions to he held at Warsaw, Poland, in April. It is possible that the American Section may be represented at the conference.

PORTLAND CASE IN COURT

The Portland (Me.) Publishing Company on Friday filed an appeal in the Court of Appeals of the District of Columhia against a decision of the Radio Commission in which it refused to grant a construction permit to the company for the erection of a new hroadcasting station at Portland and at the same time changed the frequency of Station WFEA, Manchester, N. H., from 1430 to 1340 kilocycles. The puhlishing company has asked for the 1340-kilocycle frequency for its proposed new station. A stay order was also asked.

SECURITIES ACT REGISTRATION

The following companies filed registration statements with the Federal Trade Commission under the Securities Act during the current week:

American Water Works and Electric Co., Inc., New York, N. Y. (2-672).

Golden Quehec Mines, Ltd., Toronto, Canada (2-673).

Motors Securities Company, Inc., Shreveport, La. (2-674).

Grape Vine Mountain Gold Mines Company, Inc., Las Vegas, Nev. (2-675).

War Eagle Gold Mines Company, Denver, Colo. (2-676).

Oregon Terminals Company Reorganization Committee, Portland, Ore. (2-677).

Frank C. Munson and Others, New York, N. Y. (2-678).

Housing Corporation of America, New York, N. Y. (2-679).

Carey Trust of New York, Tulsa, Okla. (2-680).

Bondholders Protective Committee for Lake Charles Hotel Building Company, New Orleans, La. (2-681).

Committee for Holders of Orpheum Theatre and Realty Company, San Francisco, Calif. (2-682).

Bondholders Protective Committee for First Mortgage Sinking Fund Fifteen Year Gold Bonds issued hy Tomahawk Kraft Paper Company, Milwaukee, Wis. (2-683).

Equity Corporation, Jersey City, N. J. (2-684).

Model Maker Corporation, New York City (2-685).

Star Oil Corporation, Boston, Mass. (2-686).

Photocolor Pictures, Inc., Spiro Park, Irvington-on-Hudson, N. Y. (2-687).

Affiliated Distrihuting Group, Inc., Jersey City, N. J. (2-688).

Associated Simmons Hardware Companies Reorganization Committee, New York City (2-689).

MEXICAN STUDIOS IN U. S. UNDER CODE

The Department of State has ruled that studio adjuncts to Mexican stations located in the United States are suhject to the Broadcasters' Code. The letter of the State Department addressed to General Johnson follows:

"The letter of February 1, 1934, written hy Mr. William P. Farnsworth, Deputy Administrator, National Recovery Administration, setting forth the situation that has arisen as regards bringing under the appropriate code the remote control studios operated in this country on Mexican stations has been carefully considered.

"The Department is of the opinion that there is no reason why such adjuncts of Mexican stations located in the United States for the profit and convenience of the station owners should not be suhjected to the same regulations as similar adjuncts of American stations.

"The Department appreciates the opportunity which the National Recovery Administration has given it of considering the question."

BROADCAST TAX PROPOSED IN NEW YORK

Identical hills introduced in the House and Senate of the New York Legislature hy Assemblyman James Wadsworth, Jr., and Senator Fearon provide for a two per cent tax on gross receipts of retail sales and services, including all services sold within the state hy all radio broadcasting stations. The New York State Committee of Broadcasters, headed hy Harold Smith of Station WOKO, Alhany, N. Y., will oppose the measure.

WEST VIRGINIA PROPOSES RADIO TAX

The following bill (H. B. 311XX) has heen introduced in the West Virginia Legislature by Representative Carden and referred to the House Committee on Taxation and Finance:

"Upon every person engaging or continuing within this state in the husiness of operating an amusement park, dance hall, skating rink, race track, radio broadcasting station, or any other place at which amusements are offered to the public, the tax shall he equal to one and one-half per cent of the gross income of the husiness; *Provided, however*, That upon every person engaging or continuing within this state in the husiness of operating a theater, opera house, moving picture show or vaudeville show the tax shall be equal to four per cent of the gross income of the business."

OVER-QUOTA APPLICATIONS GRANTED

The Federal Radio Commission has had before it for some time past several proposals for revision of the quota system hy which broadcasting facilities are apportioned to the various states and zones. Although no puhlic announcement of formal revision has been made, the Commission granted, during the current week, three applications for increased facilities necessitating increased quota charges in over-quota states (North Carolina and California) and over-quota zones (third and fifth).

EDUCATORS SPURN 1500-1600-KC. BAND

Although the Federal Radio Commission invited hy letter 1,400 colleges, universities and other educational institutions to file appli-

cations for construction permits to erect new experimental broadcasting stations to operate on frequencies of 1530, 1550 and 1570 kilocycles, recently made available for such use, it is reported that to date no applications have been received.

BUSINESS CENSUS HALF COMPLETED

Splendid cooperation and support by business men throughout the country, coupled with the activities of a capable and enthusiastic corps of supervisors and enumerators have brought the Census of American Business to a point where the big task is half completed.

Of the estimated 2,400,000 questionnaires, 950,197 have been received to date by the Bureau of the Census, and it is estimated that more than 250,000 additional are either in the mails or in the hands of supervisors being prepared for mailing, according to William L. Austin, Director. The census has now reached its full stride and every effort is being put forward to finish it within the time limit of February 15, 1934.

RADIO EMPLOYMENT DECLINES

For the first time in many months employment in the radio plants of the country showed a decrease, according to the Bureau of Labor statistics. It was seasonal.

Reports were received by the Bureau from 44 radio factories who gave their December employment at 36,306, a decrease of 11.6 per cent compared with November but an increase of 112.5 per cent over December, 1932. The average weekly December payrolls in these plants were $679,684, a decrease of 14.6 per cent under November but an increase of 121.2 per cent over December, 1932.

COMMISSION MEETING OMITTED

The Federal Radio Commission did not hold its regular Friday meeting scheduled for February 23.

A. A. A. A. COMPLETES NEWSPAPER DATA

The fourth and final section of Market and Newspaper Statistics, Volume II, compiled under the direction of the Committee on Newspapers of the American Association of Advertising Agencies, has just been published, according to an announcement by Frederic R. Gamble, Executive Secretary of the Association. Section D deals with the fifteen cities with 100,000 population or over in their city zones for which A.B.C newspaper audit reports were issued for the year ended June 30, 1933. It includes figures on population, number of families, English reading and income tax returns, newspaper circulations, local rates, national rates, lineage, differential between local and national rates, and an estimate of circulation obtained through use of inducements.

One copy of Section D is being sent to each A. A. A. A. member office and to each publisher represented in that section. Copies of Section A or B are available to others at $2.50 each, Section C at $5.00, and Section D at $2.00.

FEDERAL RADIO COMMISSION ACTION

HEARING CALENDAR

Tuesday, February 27, 1934

NEW—Frank Wilburn, Prescott, Ariz.—C. P., **1500 kc.,** 100 watts, unlimited time (facilities of KPJM).

KPJM—Scott & Sturn, Prescott, Ariz.—Renewal of license, **1500 kc.,** 100 watts, unlimited time.

APPLICATIONS GRANTED

First Zone

WTAG—Worcester Telegraph Publishing Co., Inc., Worcester, Mass.—Granted extension of special temporary authority to use 250 watts additional night-time power (same as WOBU).

WEAN—Shepard Broadcasting Service, Inc., Providence, R. I.—Granted extension of special experimental authority to use 250 watts experimentally at night in addition to regular power of 250 watts.

WJAR—The Outlet Company, Providence, R. I.—Granted extension of special experimental authority to use 250 watts power at night in addition to regular assignment of 250 watts.

WNEL—Juan Piza, San Juan, P. R.—Granted modification of C. P. to make changes in equipment and extend commencement date to 10 days after this date and completion date from April 16, 1934, to 90 days thereafter.

Second Zone

WOBU—WOBU, Inc., Charleston, W. Va.—Granted extension of special temporary authority to operate with 250 watts additional night-time power for period beginning 3 a. m., EST., March 1, 1934, and ending in no event later than 3 a. m., EST, September 1, 1934.

WLAP—American Broadcasting Corp. of Kentucky, Lexington, Ky.—Granted modification of C. P. approving transmitter and studio locations, and extending commencement date from February 5 to 30 days from this date and completion date to May 5, 1934.

Third Zone

KTRH—KTRH Broadcasting Co., Houston, Tex.—Granted special experimental authority to change frequency from **1120 kc.** to **630 kc.** and increase power to 500 watts night, 1,000 day, experimentally to April 1.

WJDX—Lamar Life Insurance Co., Jackson, Miss.—Granted C. P. to make changes in equipment and increase power from 1 KW to 1 KW night, 2½ KW day.

WHET—Joe K. Jernigan, Cyril W. Reddoch, Julian C. Smith, John T. Hubbard, d/b as Troy Broadcasting Co., Dothan, Ala.—Granted authority to operate from 7:30 p. m. to 9:30 p. m., CST, February 20, 1934, for a political broadcast.

WSOC—WSOC, Inc., Charlotte, N. C.—Granted C. P. to make changes in equipment and increase daytime power from 100 to 250 watts.

Fourth Zone

WMBD—Peoria Broadcasting Co., Peoria, Ill.—Granted authority to rebroadcast police radio system for one-half hour on Sunday night, February 25, 1934.

WSUI—State University of Iowa, Iowa City, Iowa—Granted special temporary authority to operate from 10 p. m. to 12 midnight, CST, February 23, 1934, in order to broadcast University Party.

WIBA—Badger Broadcasting Co., Madison, Wis.—Granted special temporary experimental authority to operate with 500 watts in addition to the regular assignment of 500 watts at night for period ending April 1, 1934.

WFBM—Indianapolis Power & Light Co., Indianapolis, Ind.—Granted authority to operate simultaneously with Station WSBT March 16 and 17 from 10:15 a. m. to 12 noon and from 3 p. m. to 5:30 p. m., CST, in order to broadcast Indiana State High School basketball tournament.

KSOO—Sioux Falls Broadcast Assn., Inc., Sioux Falls, S. Dak.—Granted special temporary authority to operate simultaneously with WRVA February 13, 16, 17, 20, 22 and 27, 1934, from 8 p. m. to 9:30 p. m., in order to broadcast 1934 college basketball conference games. (Date of action, 2-12-34.)

KWCR—Cedar Rapids Broadcast Co., Cedar Rapids, Iowa—Granted modification of C. P. approval of transmitter site authorized to be determined at 3rd Avenue and 3rd Street, Cedar Rapids, Iowa.

KGDY—Voice of South Dakota, Huron, S. Dak.—Granted special temporary authority to operate from 8 p. m. to 9:30 p. m., CST, February 16, 17 and 24, also March 2 and 3, 1934, to broadcast basketball games.

Fifth Zone

KIEM—Harold H. Hanseth, Eureka, Calif.—Granted modification of license to increase hours of operation from daytime to unlimited.

SET FOR HEARING

NEW—Voice of Longview, Longview, Tex.—C. P. for **1370 kc.**, 100 watts, daytime.

WTMJ—The Journal Company (The Milwaukee Journal), Milwaukee, Wis.—Special experimental authority to increase day power from 2½ KW to 5 KW for period 2-25-34 to 3-20-34.

ACTION ON EXAMINER'S REPORT

NEW—Wyoming Broadcasting Co., Cheyenne, Wyo.—Denied application for C. P. for new station to operate on **780 kc.**, 500 watts night, 1 KW LS, sustaining Examiner George H. Hill. Order entered effective February 27, 1934.

ORAL ARGUMENT GRANTED

The Commission, sitting en banc, will hear oral arguments on March 14, 1934, in re Examiner's Reports Nos. 535 and 536. Ex. Rept. No. 535 deals with application of Knickerbocker Broadcasting Co. (WMCA), New York, for an increase of 500 watts power experimentally, and the application of WSYR, Syracuse, for an increase in its power from 250 to 500 watts. Ex. Rept. No. 436 deals with the application of The State Journal Company, Lansing, Mich., for new station to operate on **1210 kc.**, 100 watts night, 200 watts LS, unlimited time.

MISCELLANEOUS

WDEL—WDEL, Inc., Wilmington, Del.—Application for modification of license requesting increase in power from 250 to 500 watts, night, on **1120 kc.**, restored to hearing docket.

KICK—Red Oak Radio Corp., Carter Lake, Iowa—Suspended grant to move station from Carter Lake to Davenport, Iowa, make changes in equipment and frequency, and change call letters to WOC; also authorization for voluntary assignment of license to Palmer School of Chiropractic because of protests of stations KSO, Des Moines, and WHBF, Rock Island, Ill. Applications set for hearing.

WJJD—WJJD, Inc., Chicago, Ill.—Suspended grant of authority, made January 16, 1934, to move studio from Mooseheart, Ill., to 201 N. Wells St., Chicago, because of protests of WGN, WENR, WMAQ, and WCFL, all Chicago stations. Application set for hearing.

APPLICATIONS RETIRED TO CLOSED FILES

The following applications were retired to the closed files for want of prosecution:

WAPI—WAPI Broadcasting Corp., Birmingham, Ala.—Application to install new equipment, increase power, etc.

KNOW—KUT Broadcasting Co., Austin, Tex.—Application to install new transmitter, etc.

KGRS—E. B. Gish, Amarillo, Tex.—Application to rebuild transmitter and make changes in equipment.

APPLICATIONS RECEIVED

First Zone

WICC—Bridgeport Broadcasting Station, Inc., Bridgeport, Conn.—Modification of license to change corporate name to Southern Connecticut Broadcasting Corporation.

WGCP—May Radio Broadcast Corp., Newark, N. J.—Modification of construction permit granted 11-10-33 to request extension of commencement and completion dates to 2-25-34 and 6-15-34, respectively.

Second Zone

WCHS—WOBU, Inc., Charleston, W. Va.—Modification of license to change corporate name to Charleston Broadcasting Corp.

NEW—Hubert H. Hall, Erie, Pa.—Construction permit to erect new station to operate on **1420 kc.**, power of 100 watts, unlimited time, facilities of Station WERE (WLEU).

NEW—F. L. Whitesell, Forty Fort, Pa.—Construction permit to erect new station to operate on **930 kc.**, power of 1 KW, daytime.

WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.—Construction permit to make changes in equipment, increase power from 100 watts to 250 watts, and change time from S. H. to unlimited.

Third Zone

KGHI—Loyd Judd Co., Little Rock, Ark.—License to cover construction permit granted 1-5-34 to move transmitter and studio locally.

WSFA—Montgomery Broadcasting Co., Inc., Montgomery, Ala.—Construction permit to make changes in equipment and move transmitter from 3 miles out on Mobile Road, Montgomery, Ala., to Jefferson Davis Hotel, corner Montgomery and Catoma Streets, Montgomery, Ala.

WGST—Georgia School of Technology, Atlanta, Ga.—License to cover construction permit granted 1-2-34 to increase power from 250 watts, 500 watts LS, to 250 watts, 1 KW LS, and make changes in equipment.

Fourth Zone

WMBD—Peoria Broadcasting Company, Peoria, Ill.—Authorization to install automatic frequency control.

KGBX—KGBX, Inc., Springfield, Mo.—License to cover construction permit granted 1-26-34 to install new equipment and change maximum rated carrier power output from 250 watts to 100 watts.

WCAZ—Superior Broadcasting Service, Inc., Carthage, Ill.—Modification of license to increase power from 50 watts to 100 watts.

WTMJ—The Journal Company (The Milwaukee Journal), Milwaukee, Wis.—Special experimental authorization to increase power from 1 KW, 2½ KW LS, to 1 KW, 5 KW LS, on experimental basis. Amended to change period of request from 2-25-34 to 3-20-34.

Fifth Zone

KECA—Earle C. Anthony, Inc., Los Angeles, Calif.—Change transmitter locally and make changes in equipment. Facilities KGEF now assigned to KFAC. Amended to request **780 kc.** instead of **1430 kc.** Amended to omit request for **780 kc.**

NEW—Victor Beverly Pitts, Raton, N. Mex.—Construction permit to erect new station to operate on **1500 kc.**, power of 100 watts, daytime.

APPLICATIONS RETURNED

NEW—Charles Henry Gunthorpe, Jr., Nacogdoches, Tex.—Construction permit to erect new station to operate on **1420 kc.**, with power of 100 watts, daytime. (Rule 6, Section 20, transmitter site and antenna.)

WTMJ—The Journal Company (The Milwaukee Journal), Milwaukee, Wis.—Special experimental authorization to increase power from 1 KW, 2½ KW LS, to 1 KW, 5 KW LS, on experimental basis. (Rules 6 and 120.)

KFOR—Cornbelt Broadcasting Corp., Lincoln, Nebr.—License to cover construction permit granted 1-2-34 to move transmitter locally. (Sections 5, 7 and 20; maximum rated power and jurat.)

The National Association of Broadcasters

NATIONAL PRESS BUILDING ★ ★ ★ ★ ★ WASHINGTON, D. C.

PHILIP G. LOUCKS, Managing Director

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PRESIDENT ASKS COMMUNICATIONS BILL

President Roosevelt sent to the Congress on Feb. 26 a special message in which he asked for passage of a Federal Communications Commission Bill during the present session, but made it clear that he was not insisting at this time that any revisions be made in the existing laws affecting communications and broadcasting. The message, the first official expression of the President on the subject, follows in full text:

"I have long felt that for the sake of clarity and effectiveness the relationship of the Federal Government to certain services known as utilities should be divided into three fields—transportation, power and communications. The problems of transportation are vested in the Interstate Commerce Commission, and the problems of power, its development, transmission and distribution, in the Federal Power Commission.

"In the field of communications, however, there is today no single government agency charged with broad authority.

"The Congress has vested certain authority over certain forms of communications in the Interstate Commerce Commission and there is in addition the agency known as the Federal Radio Commission.

"I recommend that the Congress create a new agency to be known as the Federal Communications Commission, such agency to be vested with the authority now lying in the Federal Radio Commission and with such authority over communications as now lies with the Interstate Commerce Commission—the services affected to be all of those which rely on wires, cables or radio as a medium of transmission.

"It is my thought that a new Commission such as I suggest might well be organized this year by transferring the present authority for the control of communications of the Radio Commission and the Interstate Commerce Commission. The new body should, in addition, be given full power to investigate and study the business of existing companies and make recommendations to the Congress for additional legislation at the next session."

HEARINGS ON COMMUNICATIONS BILL

Senator C. C. Dill, chairman of the Senate Interstate Commerce Committee, announced this week that he will hold hearings on his Federal Communications Commission Bill commencing at 10:30 a. m. March 9. Henry A. Bellows, chairman of the NAB Legislative Committee, will appear and present the views of the Association. Practically all of the controversial provisions in the Dill bill have been the subject of discussion or report at NAB membership meetings in the past and Mr. Bellows' testimony will follow this policy.

Hearings on the Rayburn bill will be held shortly although no definite date has as yet been fixed. Since the Rayburn bill does not affect the Radio Act of 1927 there is no conflict between the jurisdiction of the House Interstate and Foreign Commerce Committee and the House Committee on Merchant Marine, Radio and Fisheries.

BRINKLEY CEASES OPERATION

According to reports from Mexico City, XER, Villa Acuna, Mexico, has been ordered by the Mexican Government to cease operation because of violation of Mexican regulation relative to broadcasting of medical advertisements. The reports state that a 30-day period has been allowed for dismantling the station.

CODE AUTHORITY MEETING IN WASHINGTON

The Code Authority for the Radio Broadcasting Industry is holding a meeting in Washington for the purpose of considering the survey recently completed on hours and wages of broadcast technicians. Under the provisions of the code the report is due to be filed on March 11. The Code Authority will remain in session next week and will attend the general meeting of code authorities called by General Johnson.

SENATE CONFIRMS PRALL

The Senate on March 1 confirmed the appointment of Representative Anning S. Prall of New York, as a member of the Federal Radio Commission. Representative Prall, who was named by President Roosevelt to succeed Commissioner W. D. L. Starbuck, whose term expired on February 23, has not yet taken the oath of office. He was undetermined as this issue of NAB REPORTS goes to press as to whether he will take the oath as a member of the Commission shortly or await the end of the present session of Congress. Discussion seems to revolve around the eligibility of Representative Prall for a post on the Communications Commission to be created during the present session of Congress. One view is that he would not be eligible to serve on such Commission if the present Congress passed the bill, while another view is that passage of the bill would not affect his eligibility if he were not in fact a member of the Congress at the time of its passage.

DILL AND RAYBURN INTRODUCE BILLS

Almost simultaneously with the reading of President Roosevelt's communications bill message, Senator C. C. Dill, chairman of the Senate Interstate Commerce Committee, and Representative Sam Rayburn, chairman of the House Committee on Interstate and Foreign Commerce, introduced bills in their respective houses designed to carry out legislatively the request of the President. The Dill bill carries the number of S. 2910 and the Rayburn bill is numbered H. R. 8301.

The Dill bill repeals the Radio Act of 1927 and makes minor changes in the existing law relative to point to point communications by wire and wireless—among them being subjecting charges for broadcasting lines to the jurisdiction of the new commission. The Rayburn bill leaves the Radio Act of 1927, as amended, intact. The radio provision of the Rayburn bill (Section 501a) reads as follows:

"The Federal Radio Commission is hereby abolished, and all duties, powers, and functions of the Federal Radio Commission under the Radio Act of 1927, as amended, or under any other provision of law are hereby imposed upon and vested in the (Communications) Commission."

The Dill bill, however, departs from the present law fundamentally. For example, the bill eliminates entirely Section 16 (the section governing court appeals from decisions of the Commission) of the Radio Act and attempts to give Federal District Courts jurisdiction over radio appeals.

Aside from the omission of Section 16 from the Radio Act, the Dill bill includes most of the provisions from the old omnibus bill (H. R. 7716) which failed of enactment. The bill would cut the legislative license period for broadcasting stations from three years to one year; would allow duplication of stations on clear channel stations at a distance of 2,200 miles with the proviso that the second station would not be charged to quota; would authorize the new Commission to impose fines not to exceed $1,000 a day for violations of Commission regulations; would further complicate the provision with respect to political speeches and discussion of public questions by radio; would allow the licensing of additional stations of not more than 250-watts power without regard to quota.

The Dill bill is 98 pages in length and the Rayburn bill is 67 pages in length. The bills are virtually identical with the exception of the inclusion of the special provisions relating to radio in the

Dill hill. Radio is covered in the Rayburn bill as pointed out above.

The general provisions contained in hoth hills, exclusive of definitions which have no relation to hroadcasting, are as follows:

Title I—General Provisions

Purposes of Act; Creation of Federal Communications Commission

Section 1. For the purpose of regulating interstate and foreign commerce in communication hy wire and radio so as to make availahle, so far as possihle, to all the people of the United States a rapid, efficient, nation-wide, and world-wide wire and radio communication service with adequate facilities at reasonahle charges, and for the purpose of securing a more effective execution of this policy by centralizing authority heretofore granted hy law to several agencies and hy granting additional authority with respect to interstate and foreign commerce in wire and radio communication, there is herehy created a commission to be known as the "Federal Communications Commission," which shall he constituted as hereinafter provided.

Application of Act

Sec. 2. The provisions of this act shall apply to all interstate and foreign communication hy wire or radio and all interstate and foreign transmission of energy hy radio, which originates and/or is received within the United States, and to all persons engaged within the United States in such communication or such transmission of energy hy radio; hut it shall not apply to persons engaged in wire or radio communication or transmission in the Philippine Islands or the Canal Zone, or to wire or radio communication or transmission wholly within the Philippine Islands or the Canal Zone.

Definitions

Sec. 3. For the purposes of this Act—

(h) "Common carrier" or "carrier" means any person engaged in communication hy wire or radio, as a common carrier for hire, except where reference is made to common carriers not suhject to this Act; hut a person engaged in radio broadcasting shall not, insofar as such person is so engaged, be deemed a common carrier.

(r) "Broadcasting" means the dissemination of radio communications intended to be received hy the puhlic, directly or hy the intermediary of relay stations.

(s) "Chain broadcasting" means simultaneous hroadcasting of an identical program hy two or more connected stations.

Provisions Relating to the Commission

Sec. 4. (a) The Federal Communications Commission (in this act referred to as the "Commission"), shall be composed of seven commissioners appointed hy the President, by and with the advice and consent of the Senate, one of whom the President shall designate as chairman.

(h) Each member of the Commission shall be a citizen of the United States. No memher of the Commission or person in its employ shall he financially interested in the manufacture or sale of radio apparatus or of apparatus for wire or radio communication; in communication hy wire or radio or in radio transmission of energy; in any company furnishing supplies or services to any company engaged in communication hy wire or radio or to any company manufacturing or selling apparatus used for communication hy wire or radio; or in any company owning stocks, bonds or other securities of any such company; nor he in the employ of or hold any official relation to any person suhject to any of the provisions of this Act, nor own stock or honds of any corporation suhject to any of the provisions of this Act. Such commissioners shall not engage in any other husiness, vocation, or employment. Not more than four commissioners, nor more than one memher of a division other than the chairman, shall he memhers of the same political party.

(c) The commissioners first appointed under this Act shall continue in office for the terms of one, two, three, four, five, six, and seven years, respectively, from the date of the taking effect of this Act, the term of each to he designated hy the President, hut their successors shall he appointed for terms of seven years; except that any person chosen to fill a vacancy shall he appointed only for the unexpired term of the commissioner whom he succeeds. Any commissioner may he removed hy the President for inefficiency, neglect of duty, or malfeasance in office, hut for no other cause. No vacancy in the Commission shall impair the right of the remaining commissioners to exercise all the powers of the Commission.

(d) Each commissioner shall receive an annual salary of $10,000, payahle in monthly installments.

(e) The principal office of the Commission shall be in the District of Columhia, where its general sessions shall he held; hut whenever the convenience of the puhlic or of the parties may be promoted or delay or expense prevented therehy, the Commission may hold special sessions in any part of the United States.

(f) Without regard to the civil service laws or the Classification Act of 1923, as amended (1) the Commission may appoint and prescrihe the duties and fix the salaries of a secretary, a chief engineer and one or more assistants, a general counsel and one or more assistants, experts, inspectors, and special counsel, and (2) each commissioner may appoint and prescrihe the duties of an assistant at an annual salary not to exceed $4,000 per annum. The general counsel and the chief engineer shall each receive an annual salary of not to exceed $9,000; and no assistant, expert, or inspector shall receive an annual salary in excess of $7,500 per annum. The Commission shall have authority, suhject to the provisions of the civil service laws and the Classification Act of 1923, as amended, to appoint such other officers, examiners, and other employes as are necessary in the execution of its functions.

(g) The Commission may make such expenditures (including expenditures for rent and personal services at the seat of government and elsewhere, for office supplies, law books, periodicals, and books of reference, and for printing and binding) as may he necessary for the execution of the functions vested in the Commission and as from time to time may be appropriated for hy Congress. All expenditures of the Commission, including all necessary expenses for transportation incurred by the commismisisoners or by their employes, under their orders, in making any investigation or upon any official business in any other places than in the city of Washington, shall he allowed and paid on the presentation of itemized vouchers therefor approved hy the chairman of the Commission or hy such other memher or officer thereof as may he designated hy the Commission for that purpose.

(h) Four memhers of the Commission shall constitute a quorum thereof and two memhers shall constitute a quorum of a division. The Commission shall have an official seal which shall he judicially noticed.

(i) The Commission may perform any and all acts, make such rules and regulations, and issue such orders, not inconsistent with this Act, as may he necessary in the execution of its functions.

(j) The Commission may conduct its proceedings in such manner as will hest conduce to the proper dispatch of husiness and to the ends of justice. No commissioner shall participate in any hearing or proceeding in which he has a pecuniary interest. Any party may appear hefore the Commission and he heard in person or hy attorney. Every vote and official act of the Commission shall he entered of record, and its proceedings shall be puhlic upon the request of any party interested.

(k) The Commission shall make an annual report to Congress, copies of which shall he distrihuted as are other reports transmitted to Congress. Such report shall contain such information and data collected hy the Commission as may he considered of value in the determination of questions connected with the regulation of interstate and foreign wire and radio communication and radio transmission of energy, together with such recommendations as to additional legislation relating thereto as the Commission may deem necessary: *Provided,* That the Commission shall make a special report not later than Fehruary 1, 1935, recommending such amendments to this Act as it deems desirahle in the puhlic interest.

(l) All reports of investigations made hy the Commission shall he entered of record, and a copy thereof shall he furnished to the party who may have complained, and to any common carrier or licensee that may have heen complained of.

(m) The Commission shall provide for the publication of its reports and decisions in such form and manner as may he best adapted for puhlic information and use, and such authorized puhlications shall be competent evidence of the reports and decisions of the Commission therein contained in all courts of the United States and of the several States without any further proofs or authentication thereof.

Divisions of the Commission; Jurisdiction of Commission and Division

Sec. 5. (a) The Commission shall be organized into three divisions which shall exercise the jurisdiction of the Commission as follows: (1) The radio division shall have jurisdiction of all mat-

ters relating to or connected with broadcasting, with amateur stations, and the mobile service; (2) the telephone division shall have jurisdiction of all matters relating to or connected with common carriers engaged in voice communication by wire or radio other than broadcasting; and (3) the telegraph division shall have jurisdiction of all matters relating to or connected with common carriers engaged in record communication by wire, radio, or cable. The chairman of the Commission shall be a member of all three divisions; two other commissioners, one of whom for each division shall be chosen vice chairman of the Commission presiding over the division, shall be assigned by the Commission as members of each division. Except for the chairman no member of the Commission may be a member of more than one division; but in case of a vacancy in any division, or of absence or inability to serve thereon of any commissioner thereto assigned, any commissioner designated by the chairman for that purpose may temporarily serve on said division until the Commission shall otherwise order.

(b) The whole Commission shall have jurisdiction of (1) all matters arising under this Act which do not fall within the jurisdiction of a division, as above prescribed; (2) all matters which fall within the jurisdiction of more than one divison; and (3) teletype service, telephoto service, the regulation of charges made for the use of telephone wires in connection with broadcasting, and the provisions of this Act relating to valuation of property of carriers, reports of carriers, parents, subsidiaries, and affiliated persons, and accounts, records, and memoranda, to be kept by carriers and depreciation charges in respect of property of carriers. In any case where a conflict arises under this section as to jurisdiction of any division the Commission shall decide which division shall have jurisdiction of the matter, and the decision of the Commission shall be final.

(c) Each division may (1) appoint a director, without regard to the civil service laws or the Classification Act of 1923, as amended, at an annual salary which shall not exceed $8,000 per annum; and (2) hear and determine, order, certify, report, or otherwise act as to any matter under its jurisdiction, and in respect thereof the division shall have all the jurisdiction and powers conferred by law upon the Commission, and be subject to the same duties and obligations. Any action so taken by a division and any order, decision, or report made or other action taken by any of said divisions in respect of any matters assigned to it shall have the same force and effect, and may be made, evidenced, and enforced in the same manner as if made or taken by the Commission. The secretary and seal of the Commission shall be the secretary and seal of each division thereof.

(d) The director for each division shall exercise such of the functions thereof as may be vested in him by the division, but any order of the director shall be subject to review by the division under such rules and regulations as the Commission shall prescribe.

DILL BILL REPEALS RADIO ACT

Section 602 of the Dill bill specifically repeals the Radio Act of 1927. Title III of the Dill bill is intended as a substitution for the present radio law and does not appear in the Rayburn bill which leaves the present law intact. Sections of Title III which would change the present law are as follows:

Title III—Special Provisions Relating to Radio

Allocation of Facilities; Term of Licenses

Sec. 307. (a) The Commission, if public convenience, interest, or necessity will be served thereby, subject to the limitations of this Act, shall grant to any applicant therefor a station license provided for by this Act.

(b) It is hereby declared that the people of all the zones established by this title are entitled to equality of radio broadcasting service, both of transmission and of reception, and in order to provide said equality the Commission shall as nearly as possible make and maintain an equal allocation of broadcasting licenses, or bands of frequency or wave lengths, of periods of time for operation, and of station power, to each of said zones when and insofar as there are applications therefor; and shall make a fair and equitable allocation of licenses, wave lengths, time for operation, and station power to each of the States and the District of Columbia, within each zone, according to population. The Commission shall carry into effect the equality of broadcasting service hereinbefore directed, whenever necessary or proper, by granting or refusing licenses or renewals of licenses, by changing periods of time for operation, and by increasing or decreasing station power, when applications are made for licenses or renewals of licenses: *Provided*, That if and when there is a lack of applications from any zone for the proportionate share of licenses, wave lengths, time of operation, or station power to which such zone is entitled, the Commission may issue licenses for the balance of the proportion not applied for from any zone, to applicants from other zones for a temporary period of ninety days each, and shall specifically designate that said apportionment is only for said temporary period. Allocations shall be charged to the State or District wherein the studio of the station is located and not where the transmitter is located: *Provided further*, That no frequency used for broadcasting shall be reserved for the use of one station for a distance of more than 2,200 miles, airline, if any person, firm, or corporation, capable of rendering radio service in the public interest, make application to operate broadcasting apparatus on any frequency so reserved, at a point beyond the distance of 2,200 miles, airline, from the station or stations already licensed and operating on said frequency, and all applications and licenses considered and granted under this provision shall not be counted as a part of the quota of the zone in which said additional stations are located: *Provided further*, That the Commission may also grant applications for additional licenses for stations not exceeding 250 watts of power if the Commission finds that such stations will serve the public convenience, interest, or necessity, and that their operation will not interfere with the fair and efficient radio service of stations licensed under the provisions of this section.

(c) The provisions of this section shall not apply to the Virgin Islands, Puerto Rico, Alaska, Guam, American Samoa, and the Territory of Hawaii.

(d) No license granted for the operation of a broadcasting station shall be for a longer term than one year and no license so granted for any other class of station shall be for a longer term than three years, and any license granted may be revoked as hereinafter provided. Upon the expiration of any license, upon application therefor, a renewal of such license may be granted from time to time for a term of not to exceed one year in the case of broadcasting licenses and not to exceed three years in the case of other licenses, but action of the Commission with reference to the granting of such application for the renewal of a license shall be limited to and governed by the same considerations and practice which affect the granting of original applications.

(e) No renewal of an existing station license shall be granted more than thirty days prior to the expiration of the original license.

Limitation on Holding and Transfer of Licenses

Sec. 310. (b) The station license required hereby, the frequencies or wave length or lengths authorized to be used by the licensee, and the rights therein granted shall not be transferred, assigned, or in any manner either voluntarily or involuntarily disposed of, or indirectly by transfer of control of any company, corporation, or association holding such license, to any person or corporation, unless the Commission shall, after a hearing, decide that said transfer is in the public interest, and shall give its consent in writing.

Revocation of Licenses; Fines Imposed by Commission

Sec. 312. Any station license may be revoked, or the station owner fined not to exceed $1,000 by the Commission for each and every day during which such offense occurs, for false statements either in the application or in the statement of fact which may be required by section 308 hereof, or because of conditions revealed by such statements of fact as may be required from time to time which would warrant the Commission in refusing to grant a license on an original application, or for failure to operate substantially as set forth in the license, for violation of or failure to observe any of the restrictions and conditions of this Act, or of any regulation of the Commission authorized by this Act or by a treaty ratified by the United States, or whenever any Federal body in the exercise of authority conferred upon it by law, shall find and shall certify to the Commission that any licensee bound so to do, has failed to provide reasonable facilities for the transmission of radio communications, or that any licensee has made any unjust and unreasonable charge, or has been guilty of any discrimination, either as to charge or as to service or has made or prescribed any unjust and unreasonable classification, regulation, or practice with respect to the transmission of radio communications or service: *Provided, however*, That no license shall be revoked and no station owner fined until the licensee shall have been notified in writing of the proceedings for such revocation or fine, the cause for the proposed action, and shall have been given 15 days to show cause why an order of revocation should not be issued or a fine or fines imposed.

Facilities for Candidates for Public Office

Sec. 315. (a) If any licensee shall permit any person who is a legally qualified candidate for any public office to use a broadcasting station, he shall afford equal opportunities to all other such candidates for that office in the use of such station; and if any licensee shall permit any person to use a broadcasting station in support of or in opposition to any candidate for public office, or in the presentation of views on a public question to be voted upon at an election, he shall afford equal opportunity to an equal number of other persons to use such station in support of an opposing candidate for such public office, or to reply to a person who has used such broadcasting station in support of or in opposition to a candidate, or for the presentation of opposite views on such public questions. Furthermore, it shall be considered in the public interest for a licensee, so far as possible, to permit equal opportunity for the presentation of both sides of public questions.

(b) The Commission shall make rules and regulations to carry this provision into effect. No such licensee shall exercise censorship over any material broadcast in accordance with the provisions of this section. No obligation is imposed upon any licensee to allow the use of his station by any candidate, or in support of or in opposition to any candidate, or for the presentation of views on any side of a public question.

(c) The rates charged for the use of any station for any of the purposes set forth in this section shall not exceed the regular rates charged for the use of said station to advertisers furnishing regular programs, and shall not be discriminatory as between persons using the station for such purposes.

Lotteries and Other Similar Schemes

Sec. 316. No person shall broadcast by means of any radio station for which a license is required by any law of the United States, and no person, firm, or corporation operating any such station shall knowingly permit the broadcasting of any advertisement of or information concerning any lottery, gift enterprise, or similar scheme, offering prizes dependent in whole or in part upon lot or chance, or any list of the prizes drawn or awarded by means of any such lottery, gift enterprise, or scheme, whether said list contains any part or all of such prizes. Any person, firm, or corporation violating any provision of this section shall, upon conviction thereof, be fined not more than $1,000 or imprisoned not more than one year, or both, for each and every day during which such offense occurs.

Title IV—Procedural and Administrative Provisions

Jurisdiction to Enforce Act, and Orders of Commission

Sec. 401. (a) The district courts of the United States shall have jurisdiction, upon application of the Attorney General of the United States at the request of the Commission, alleging a failure to comply with or a violation of any of the provisions of this Act by any person, to issue a writ or writs of mandamus commanding such person to comply with the provisions of this Act; or, upon application of the Commission, any injured party, or the United States by its Attorney General, for the enforcement of an order or requirement of the Commission under the provisions of this Act, regularly made and duly served, which any person has failed or neglected to obey while in effect, to enforce obedience to such order or requirement by writ of injunction or other proper process, mandatory or otherwise, to restrain such person, its officers, agents, or representatives, from further disobedience of such order or requirement, or to enjoin upon it or them obedience to the same.

[*Sections* 401 *and* 402 *make provision for court review of orders of the Interstate Commerce Commission applicable to the Communications Commission.*

Sections 403 *and* 404 *provide for investigations by the Commission.*

Sections 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, *and* 416 *are administrative provisions relating to hearings, witnesses, orders, joint boards, etc., and are taken largely from the Radio Act and the Interstate Commerce Act.*]

Title V—Penal Provisions—Forfeitures

General Penalty

Sec. 501. Any person who wilfully does or causes or suffers to be done any act, matter, or thing, in this Act prohibited or declared to be unlawful, or who wilfully omits or fails to do any act, matter, or thing in this Act required to be done, or wilfully causes or suffers such omission or failure, shall, upon conviction thereof, be punished for each offense, for which no penalty (other than a forfeiture) is provided herein, by a fine of not more than $10,000 or by imprisonment for a term of not more than three years, or both.

Violations of Rules, Regulations, etc.

Sec. 502. Any person who violates any rule, regulation, restriction, or condition made or imposed by the Commission under authority of this Act, or any rule, regulation, restriction, or condition made or imposed by any international radio or wire communications treaty or convention, or regulations annexed thereto, to which the United States is or may hereafter become a party, shall, in addition to any other penalties provided by law, be punished, upon conviction thereof, by a fine of not more than $500 for each and every day during which such offense occurs.

Title VI—Miscellaneous Provisions

Transfer to Commission of Duties, Powers, and Functions Under Existing Law

Repeals and Amendments

Sec. 602. (a) The Radio Act of 1927, as amended, is hereby repealed.

(b) The provisions of the Interstate Commerce Act, as amended, insofar as they relate to communication by wire or wireless, or to telegraph, telephone, or cable companies operating by wire or wireless, are hereby repealed.

Transfer of Employees, Records, Property, and Appropriations

Sec. 603. (a) All officers and employees of the Federal Radio Commission (except the members thereof, whose offices are hereby abolished) are hereby transferred to the Commission, without change in classification or compensation.

Effective Date of Act

Sec. 607. This Act shall take effect upon the organization of the Commission, except that this section and sections 1 and 4 shall take effect upon the enactment of this Act. The Commission shall be deemed to be organized upon such date as four members of the Commission have taken office.

NAB ASKS CHANGES IN COPELAND BILL

Charging that broadcasting has been discriminated against in the so-called "dealer's section" of the revised Copeland food and drugs bill, the NAB filed a brief this week with the Senate Commerce Committee asking for modification to meet its objections. The brief signed by Henry A. Bellows, chairman of the NAB Legislative Committee, is as follows:

"The National Association of Broadcasters on Thursday, December 7, 1933, filed with your Committee a statement regarding S. 1944. That statement, together with the lists of members and officers of this Association, appears on pages 120-132 of the printed report of the hearings on S. 1944, and consequently the lists are not here repeated.

"While S. 2800 represents, from the standpoint of the radio broadcasting industry, a material improvement over S. 1944, there remain certain specific objections which this Association desires to point out to your Committee. In so doing, this Association wishes to make it clear that there are many other features of S. 2800 which appear to be open to criticism, but which, because they do not immediately and directly affect the broadcasting industry, are not specified in this memorandum.

"1. Page 3, lines 15-17. This paragraph defines advertising as 'all representations of fact or opinion disseminated in any manner or by any means other than by the labeling.'

"Such a definition, if taken literally, is manifestly absurd. It is not an advertisement if A tells B that he thinks X Remedy cured his headache, yet such a statement falls absolutely within this definition. Further, under the terms of Section 9, paragraph (b), it is, or may be, a false advertisement, in that it refers to X Remedy as a cure and not a palliative, and therefore, under the terms of Section 17, paragraph (b), the speaker is technically 'subject to imprisonment for not more than one year, or a fine of not less than $100 nor more than $1,000, or both such imprisonment and fine.'

"Nor is it an advertisement if a scientific speaker or writer, discussing matters relating to health, happens to refer to a par-

ticular food or drug, when his object is manifestly not to promote the sale of such food or drug.

"It is, therefore, urged that this paragraph be amended by the addition of a phrase borrowed from the copyright laws, so that the paragraph as amended shall read as follows:

"'(j) The term "advertisement" includes all representations of fact or opinion disseminated *publicly and for profit* in any manner or by any means other than by labeling.'

"2. Page 15, lines 15-20. This paragraph provides that 'An advertisement of a drug shall also be deemed to be false if it contains the name of any disease for which the drug is not a specific cure but is a palliative and fails to contain a plain and conspicuous statement, so placed as to be readily observable where such name occurs, indicating that the drug is a palliative and how the palliation is effected.'

"Regarding this paragraph three specific points should be considered:

"(a) The paragraph apparently includes oral or broadcast advertising, and yet it is absolutely impossible to apply to such advertising the provision contained in the clause 'so placed as to be readily observable where such name occurs.' This difficulty can be obviated by striking out, in line 18, the words 'and conspicuous,' and in lines 18 and 19 the phrase 'so placed as to be readily observable.'

"(b) It should be pointed out that both popular and scientific opinions vary widely as to what is actually a 'cure' and what is a 'palliative.' For instance, do certain familiar remedies 'cure' headaches or are they merely 'palliatives'? In view of the apparent impossibility of securing any adequate and accurate definitions of 'cure' and 'palliative,' it appears that this paragraph should be stricken out.

"(c) The clause 'and how the palliation is effected' appears to present a condition with which it would be impossible to comply. Such a statement would, in effect, require every advertisement of a 'palliative' to include an essay or technical treatise on the manner in which the drug in question affects the system. Such a treatise may be possible on a label, though even there it seems difficult, but how is it to be included on a sign-board or in a radio announcement? It seems clear that this clause should be stricken out.

"3. Page 15, line 25. Paragraph (c) of Section 9 is 'to discourage the public advertisement—of drugs for diseases wherein self-medication may be especially dangerous.' To this end, the section provides that 'any advertisement of a drug representing it to *have any effect in the treatment of* any of the following diseases shall be deemed to be false.' Then follows a long list of diseases, including diphtheria, measles, mumps, pneumonia, scarlet fever and whooping cough.

"There is plenty of medical opinion to support the contention that certain drugs do have at least a palliative effect in the treatment of these and other specified diseases, if only to the extent of relieving pain or discomfort, reducing fever, or inducing restful sleep. The phrase 'have any effect in the treatment of,' therefore, seems altogether too broad, and it is suggested that this phrase be stricken out, and replaced by the word 'cure.'

"4. Page 22, lines 12-15. Section 15 provides for examinations and investigations of alleged violations of the provisions of this Act. Paragraph (a) authorizes the Secretary of Agriculture to conduct such examinations. Paragraph (c) provides that the Secretary, before reporting any violation of this Act to a United States attorney for institution of criminal proceedings thereunder, shall provide for hearings for all interested persons.

"Paragraph (b) of this Section conforms to paragraphs (a) and (c) so far as the Secretary's activities are concerned, but in lines 12-15 it adds a mandatory provision that proceedings shall be instituted by each United States attorney 'to whom any health, food, or drug officer of any state or territory, or political subdivision thereof, presents evidence satisfactory to the United States attorney of any such violations.'

"The Secretary of Agriculture cannot report a violation of the Act until after a hearing, but any local health, food or drug officer may do so without giving anyone a chance to be heard. They do not even have to report such alleged violations to the Secretary of Agriculture.

"The result would inevitably be flagrant injustice and a complete overturning of the orderly and rational procedure set up in the rest of Section 15. It is, therefore, strongly urged that the entire clause just quoted be stricken out. In view of the fact that the greater part of the advertising coming under this Act is national or at least interstate in scope, it would manifestly be impossible to provide that any local officer shall hold hearings, as is provided in the case of the Secretary of Agriculture.

"5. Page 27, line 15. This paragraph provides that certain persons shall not be 'deemed in violation of paragraphs (b) or (c) of this section.' The prohibited acts, however, are all listed in paragraph (a), while paragraphs (b) and (c) set forth the penalties for violation of any of the provisions of paragraph (a). It is obvious, therefore, that line 15 should be amended to read 'deemed in violation of *paragraph (a) or subject to any of the penalties set forth in* paragraphs (b) or (c) of this section.'

"6. Page 28, lines 16-20. The following new and extraordinary provision, not included in any of the previous drafts of this bill, has been added to Section 17, paragraph (e):

"'No retail dealer shall be prosecuted under this section for the dissemination, other than by radio broadcast, of any advertisement offering for sale at his place of business any product which is not distributed or sold in interstate commerce.'

"Apparently the sole purpose of this sentence is to discriminate among advertising media, and to say to the retail dealer that he may safely use the United States mails or any other medium with the single exception of radio broadcasting.

"If the commodity offered for sale is actually not 'distributed or sold in interstate commerce,' why should the retail dealer be warned by Act of Congress against the use of radio broadcasting whereas the United States mails are left open to him?

"If the commodity is distributed or sold in interstate commerce, the provisions of Section 17, paragraph (a) (5) immediately apply. Otherwise the situation is fully covered by the provisions of Section 17, paragraph (a) (4).

"This deliberate and, in view of the language of the two subparagraphs just cited, absolutely uncalled-for attempt to discriminate against radio broadcasting as an advertising medium marks a new departure in the field of Federal legislation. The Congress might with equal logic declare an advertiser criminally liable for false advertising in a periodical but guiltless if he inserts the same copy in a newspaper. The principle underlying such discrimination, which is in effect a deliberate effort to dictate to advertisers what media they shall use, is so utterly foreign to all established legislation that it is not surprising that this sentence was not introduced in time to be subject to scrutiny at the hearings on the earlier draft of this bill.

"In common fairness, and still more in maintenance of the principle that it is not a function of Federal legislation to tell advertisers what media they shall or shall not use, it is urgently requested that this recently added sentence be stricken out.

"As has already been stated, the National Association of Broadcasters, in setting forth these specific suggestions for amendment of S. 2800, does not thereby imply that with these amendments the bill will be satisfactory to the broadcasting industry. The points herein covered are those which seem to the broadcasters the most obvious and self-evident defects in the measure as now drafted, and it is urged that your Committee give careful attention to the suggestions here set forth."

C. C. Parlin of Philadelphia, representing the National Periodical Publishers, said that he had no objection to the passage of the bill now that its advertising clauses have been rewritten but asked that fair consideration be given by the Committee to amendments presented by some of the manufacturers.

Representative Lamneck of Ohio opposed the bill on the ground that the Secretary of Agriculture is given too much power by the bill. He also said that the bill is too drastic.

Charles W. Dunn, New York City, representing the Associated Grocery Manufacturers of America, objected to the bill because it omitted provision for an administrative board of review.

Others who appeared before the Committee included: Mrs. Harris T. Baldwin of the National League of Women Voters; Prof. C. B. Jordan, of Purdue University; Prof. H. S. Smith, of Philadelphia; Francis L. Whitmarsh, National American Wholesale Grocery Association; Dr. James H. Beal, representing the National Drug Trade Conference, and others.

ASCAP BUSY IN N. C.

The following article from the February 27, 1934, bulletin of the Asheville, N. C., Merchants' Association tells its own story of the extent to which the present "radio set" campaign of the American Society of Composers, Authors and Publishers has gone:

"Tax Warning Notice

"It has recently come to your attention that there is a national tax on radios played in stores, hotels, cafeterias and other public places.

"The National Music Association secured a national law to tax radios played in public places. The amount of the tax is $120 a year when playing copyright music, and most of it is copyrighted and there is no way of telling which is copyrighted, so be careful!

"These collectors have recently come to our city, but they have previously been collecting the tax in large cities in the north and it is reported that over three million dollars have been collected for worn-out or retired musicians.

"This warning is given to save our members more money than some of them pay dues. Service is a pleasure."

On the other hand, *Variety* of the same date—February 27, 1934—says:

"While rates for the hotels with dine and dance rooms have been jacked up appreciably, the American Society of Composers, Authors and Publishers has taken a benign attitude toward the small restaurants and cafes whose music is derived from phonographs and radio sets. Latter spots are in the majority of cases now granted licenses without the payment of even a nominal fee. ASCAP's board of directors figure that this policy will, in addition to garnering the organization good-will, steal the thunder of those who charge it with oppressive tactics."

Stations are urged to send to Oswald F. Schuette, National Association of Broadcasters, National Press Building, Washington, D. C., any information they have concerning ASCAP operations in their territory.

EXAMINER REPORTS BROOKLYN (N. Y.) CASES

Recommendations were made this week in Report No. 539, by Ralph L. Walker (e), in connection with applications made by four Brooklyn (N. Y.) stations.

All four of the stations operate under a time sharing agreement on 1400 kilocycles. WBBC asked for three-quarters time, using the hours now assigned to WVFW and WARD. WLTH also asked for three-quarters time using the hours now assigned to stations WVFW and WARD. WVFW asked for full time, in other words all of the time now used by itself and the other three stations on the same frequency. WARD also asked for full time seeking the facilities of stations WBBC, WLTH and WVFW. Each of the stations asked license renewal and WBBC sought a renewal of license for its auxiliary transmitter and WARD asked to be allowed to change its location in Brooklyn.

The Examiner recommended that the applications of all of the stations both for license renewal and modification of the license be denied.

"Giving due consideration to the fact that each of the applicants has suffered an economic disadvantage because of the four-way division of time," says the Examiner, "it appears that in the operation of each station the applicant has placed the interests of the licensee as the paramount consideration, and that the interests of the public, fixed by law as paramount, have been, at the most, secondary."

WLBW APPEALS TO COURTS

Station WLBW, Erie, Pa., this week filed an appeal in the Court of Appeals of the District of Columbia against a decision of the Radio Commission granting a permit for a new broadcasting station to be erected at Erie by Leo J. Omelian. WLBW states that there is not enough advertising in the city to support two stations.

COPYRIGHT FEE ARBITRATION APPROVED

The dispute over copyright royalties has been settled in Australia through enactment of an amendment to the Australian Copyright Act of 1912 which provides for arbitration. The amendment approved on December 15, 1933, reads in part as follows:

"3. After section thirteen of the Principal Act the following section is inserted in Part II: '13a. (1) Where any dispute has arisen between any person (a) being an owner of copyright; or (b) claiming the right to payment of royalty in respect of copyright, in literary, dramatic, musical or other works, or between any person being a manufacturer of records by means of which any such works may be mechanically reproduced, and any person using or desirous of using any such works or records, regarding the rates and methods of payment for the right to perform such works in public or to use such records for public performance, or the terms and conditions under which such works or records may be so performed or used, any party to the dispute may apply in writing to the Attorney-General for the determination of the dispute by voluntary arbitration by an arbitrator mutually selected, or, failing such selection, appointed by the Governor-General.'

"(2) The application may state the name of the arbitrator by whom it is desired that the dispute shall be determined.

"(3) The arbitrator so selected or appointed may, upon receiving a submission to arbitration of the dispute, duly executed by the parties, hear the dispute and make his award in relation thereto.

"(4) The parties to the dispute, by themselves, or, in the case of a company, association or body of persons, by their principal officers, shall, if required by the arbitrator, submit to be examined by the arbitrator on oath in relation to the matters in dispute, and shall produce before the arbitrator all books, deeds, papers, accounts, writings and documents within their possession or power respectively which may be required or called for, and do all other things which, during the hearing of the dispute, the arbitrator may lawfully require.

"(5) The costs of the arbitration shall be in the discretion of the arbitrator who may by his award direct to and by whom, and in what manner, those costs or any part thereof shall be paid and may, if he thinks proper, tax or settle the amount of costs to be so paid or any part thereof.

"(6) Copyright in any such work shall not be deemed to be infringed by the performance or use in public of any such work or record if payment for the right to perform the work or use the record is made at the rates, in the method and subject to the terms and conditions under which such works or records may be performed or used, determined by the arbitrator in pursuance of sub-section (3) of this section.

"(7) For the purposes of this section 'person' includes any company, association or body of persons.

"(8) The regulations may prescribe any matters for and in relation to the practice and procedure before any arbitrator selected or appointed under this section and the fees payable to any such arbitrator."

FRC DISTRIBUTES STATIONS LISTS

The Federal Radio Commission is mailing to each broadcasting station a copy of "Radio Broadcast Stations in the United States." Additional copies are obtainable from the Superintendent of Documents, Government Printing Office, Washington, D. C., for ten cents each.

The revised Rules and Regulations of the Federal Radio Commission, which are being similarly distributed by the Commission, are available from the Superintendent of Documents for thirty cents each.

FEDERAL RADIO COMMISSION ACTION

HEARING CALENDAR

Wednesday, March 7, 1934

Oral Argument Before Commission en banc

Broadcasting

NEW—Herbert H. Fette, Meriden, Minn.—C. P. **1310 kc.**, 100 watts (facilities of KGDE), daytime hours.

KGDE—Charles L. Jaren, Fergus Falls, Minn.—Renewal of license, **1200 kc.**, 100 watts, 250 watts LS, unlimited time.

APPLICATIONS GRANTED

First Zone

WHN—Marcus Loew Booking Agency, New York, N. Y.—Granted extension of special experimental authorization to operate from 1 a. m. to local sunset with 1 KW power. Normally licensed **1010 kc.**, 250 watts, unlimited time.

WSVS—Seneca Vocational High School, Buffalo, N. Y.—Granted special temporary authorization to operate from 8:15 to 9 p. m., EST, March 5, 12, 19 and 26, in order to continue certain musical lectures.

WSYB—Philip Weiss, d/b as Weiss Music Co., Rutland, Vt.—Granted special temporary authorization to operate from 11 a. m. to 12 noon, EST, March 4, 11, 18 and 25, 1934.

Second Zone

KQV—KQV Broadcasting Co., Pittsburgh, Pa.—Granted modification of special temporary authorization granted on January 26, changing date from February 22 to February 28, to

operate simultaneously with WSMK from 10 p. m. to 12 midnight, EST.

WJBK—James F. Hopkins, Inc., Detroit, Mich.—Granted special temporary authorization to operate from 8 to 9 p. m., EST, on March 1, 4, 6, 11, 13, 15 and 18, 1934, provided WIBM remains silent.

WIBM—WIBM, Inc., Jackson, Mich.—Granted special temporary authorization to operate simultaneously with station WJBK from 8 to 11 p. m., CST, on March 2, 1934.

WKRC—WKRC, Inc., Cincinnati, Ohio—Granted extension of temporary experimental authorization to operate with additional 500 watts power for a period ending September 1, 1934.

WGBI—Scranton Broadcasters, Inc., Scranton, Pa.—Granted extension of special experimental authorization to use 250 watts experimentally in addition to the regular power of 250 watts.

WCAE—WCAE, Inc., Pittsburgh, Pa.—Granted license covering move of tranmitter and changes in equipment. **1220 kc.,** 1 KW, unlimited time. Also authorization to make antenna measurements to determine power input.

WFDF—Flint Broadcasting Co., Flint, Mich.—Granted authorization to operate without an approved frequency monitor until March 17, while making repairs.

WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.—Granted license covering changes in equipment. **1210 kc.,** 100 watts, specified hours.

W8XO—Crosley Radio Corp., Cincinnati, Ohio—Granted special temporary authorization to operate with 500 KW from 6:30 a. m. to 5 p. m. daily from Feb. 25 to March 11, 1934, on frequency of **700 kc.** Call WLW to be used during this period.

Third Zone

WNAD—University of Oklahoma, Norman, Okla.—Granted authorization to operate from 9:15 to 9:30 p. m., March 14; 2:30 to 4:30 p. m., March 16; 8 to 10 p. m., March 24; and from 3:30 to 5 p. m., CST, March 19, 21 and 26, provided KGGF remains silent.

WDAG—National Radio Broadcasting Corp., Amarillo, Tex.—Granted special temporary authorization to operate without approved frequency monitor, for a period of 21 days; station to be held responsible for any deviations of more than 50 cycles.

WPTF—WPTF Radio Co., Raleigh, N. C.—Granted modification of C. P. to extend commencement date from 8-19-34 to February 19, 1934, and extend completion date to May 17, 1934.

KTUL—J. T. Griffin, Tulsa, Okla.—Granted license covering installation of new equipment and removal of studio and transmitter; **1400 kc.;** 250 watts night, 500 watts day, unlimited time.

WPTF—WPTF, Raleigh, N. C.—Granted modification of C. P. for approval of exact transmitter location at Cary, N. C.

WDAE—Tampa Publishing Co., Tampa, Fla.—Granted consent to voluntary assignment of license to Tampa Times Company.

WAMC—Raymond C. Hammett, Anniston, Ala.—Granted modification of C. P. extending commencement date to March 1, 1934, and completion date to May 1, 1934.

WHEF—Atala Milling & Produce Co., Kosciusko, Miss.—Granted modification of C. P. extending commencement date to February 24, 1934, and completion date to June 24, 1934.

Fourth Zone

KFDY—South Dakota State College, Brookings, S. Dak.—Granted special temporary authorization to operate from 6:30 to 8 p. m., CST, on March 3, 10, 24 and 31, provided station KFYR remains silent.

KFJB—Marshall Electric Company, Inc., Marshalltown, Ia.—Granted special temporary authorization to operate on March 1, 2 and 3, from 9 a. m. to 12 noon; 3 to 6 p. m., and 9 to 12 midnight, CST.

WSUI—State University of Iowa, Iowa City, Ia.—Granted special temporary authorization to operate from 10 p. m. to 1 a. m., CST, on March 2, and from 10 p. m. to 12 midnight, CST, on March 9, 16 and 23, 1934.

WMBH—W. M. Robertson, Joplin, Mo.—Granted special temporary authority to operate every week night during month of March, from 9:30 to 9:45 p. m., CST. Also granted authority to operate from 9:30 to 10 p. m., CST, on March 3, 10, 17, 24 and 31, and from 2:30 to 3:30 p. m., CST, on March 4, 11, 18 and 25, 1934.

WLBG—Donald A. Burton, Muncie, Ind.—Granted special temporary authority to operate simultaneously with station WTRC from 6 to 7:30 p. m., CST, on March 2, 3, 9, 10, 16 and 17, 1934.

KFYR—Meyer Broadcasting Co., Bismarck, N. Dak.—Granted special temporary authority to operate from 12:30 to 2 p. m., CST, on March 3, 10, 17, 24 and 31, provided station KFDY remains silent.

WGES—Oak Leaves Broadcasting Station, Inc., Chicago—Granted authorization to operate unlimited time on **1360 kc.,** pending decision on pending application, but no later than 28 days from date.

WRJN—Racine Broadcasting Corp., Racine, Wis.—Granted C. P. to make changes in equipment.

KFJB—Marshall Electric Company, Inc., Marshalltown, Ia.—Granted special temporary authority to operate from 9 a. m. to 12 noon, from 3 to 6 p. m., and from 9 p. m. to 12 midnight, CST, on March 8, 9, 10, 15, 16 and 17.

WCAZ—Superior Broadcasting Service Inc., Carthage, Ill.—Granted modification of license to increase power from 50 watts to 100 watts.

Fifth Zone

KGMB—Honolulu Broadcasting Company, Ltd., Honolulu, T. H.—Granted C. P. to make changes in equipment.

KRE—First Congregational Church of Berkeley, Cal.—Granted special temporary authority to operate from 8:50 to 10 a. m., PST, on April 1, in order to broadcast special Easter service.

KUMA—Albert H. Schermann, Yuma, Ariz.—Granted special temporary authority to operate from 4:30 to 5 p. m., MST, on March 25th.

NEW—Big Born Broadcasting Co. (R. E. Carroll, Owner), Sheridan, Wyo.—Granted C. P. for a new station to operate on **1370 kc.,** 100 watts, unlimited time.

ACTION ON EXAMINER'S REPORT

NEW—Ex. Rep. No. 538: Ark-La-Tex Radio Corp., Shreveport, La.—Denied as in case of default application for C. P. for new station to operate on **1210 kc.,** 100 watts, unlimited time, sustaining Examiner Geo. H. Hill..

KWEA—Hello World Broadcasting Corp., Shreveport, La.—Granted consent to voluntary assignment of license to International Broadcasting Corporation, sustaining Examiner Hill.

KWEA—International Broadcasting Corp., Shreveport, La.—Granted renewal of license to operate on **1210 kc.,** 100 watts, unlimited time, sustaining Examiner Hill. (The order in the above cases is effective March 9, 1934.)

SET FOR HEARING

NEW—American Radio Productions Inst., Inc., New York.—C. P., **1400 kc.,** 500 watts, unlimited time. Exact location of transmitter to be determined by field survey (facilities WBBC, WLTH, WARD and WVFW).

NEW—A. V. Tidmore, Salisbury, Md.—C. P. **1200 kc.,** 100 watts; daytime; exact location to be determined.

MISCELLANEOUS

KGFX—Red River Broadcasting Company, Inc., Moorhead, Minn. —Suspended authority granted January 30, 1934, for removal of station from Moorhead, Minn., to Duluth, Minn., and application was designated for hearing because of protests of city of Moorhead and station WEBC, Superior, Wis.

WSPA—Virgil V. Evans, Spartanburg, S. C.—C. P., **920 kc.**, 2½ KW, daytime hours, heretofore designated for hearing, was denied because applicant failed to enter appearance within time allowed.

KFIZ—The Reporter Printing Co., Fond du Lac, Wis.—Modification of license, **1310 kc.**, 100 watts, specified hours, heretofore designated for hearing, was denied because applicants failed to enter appearance within time allowed.

WKZO—WKZO, Inc., Kalamazoo, Mich.—Special authorization to operate from sunset at Kalamazoo to midnight; application heretofore set for hearing was dismissed at applicant's request.

NEW—Atlantic Broadcasting Co., New York, N. Y.—Denied license for new station to operate on **6120, 11830, 15270 kc.**, 15 KW, because of failure to enter appearance within time allowed in cases set for hearing.

KGDM—E. F. Peffer, Stockton, Cal.—Denied request to amend special temporary authorization granted January 19, 1934, to operate from 12 midnight to 6 a. m., so as to permit broadcasting of commercial programs during this experimental period.

KFQD—Anchorage Radio Club, Inc., Anchorage, Alaska.—License extended on temporary basis pending receipt and/or action on application for renewal.

KTAR—KTAR Broadcasting Co., Phoenix, Ariz.—Granted extension of modification of license to increase night power from 500 watts to 1 KW, pending final decision on application for modification of license, but no later than September 1, 1934.

WFLA-WSUN—Clearwater Chamber of Commerce & St. Petersburg Chamber of Commerce, Clearwater, Fla.—Granted extension of special temporary authorization to operate with power of 1 KW night, with directional antenna and 2½ KW daytime, to September 1, 1934.

KFNF—Henry Field Co., Shenandoah, Ia.—Granted renewal of license on a temporary basis and designated application for renewal for hearing.

KTM—Pickwick Broadcasting Corp., Los Angeles, Cal.—KELW Magnolia Park Ltd., Burbank, Cal. Granted special temporary authority to operate on **780 kc.**, 500 watts night, 1 KW LS, sharing with KELW, KTM to use 2/3 time, KELW 1/3 time, pending determination of case in Court of Appeals of D. C. Don Lee Broadcasting System v. Federal Radio Commission. This authorization shall extend in no event later than 3 a. m., EST, September. 1, 1934.

APPLICATIONS RECEIVED

NEW—Tri-State Radio, Inc., Washington, Pa.—Construction permit to erect new station to operate on **1200 kc.**, 100 watts, share with station WHBC. Facilities Station WNBO.

WPFB—Otis Perry Eure, Hattiesburg, Miss.—Construction permit to move transmitter and studio from Hattiesburg, Mississippi, to Troy, Alabama; change frequency from **1370 kc.** to **1210 kc.** and time of operation from unlimited to daytime.

WPFB—Otis Perry Eure, Hattiesburg, Miss.—Consent to voluntary assignment of license to James Glenn Crouch of Troy, Ala.

NEW—Cyril W. Reddoch d/b as The Friendly Broadcasting Co., Columbus, Miss.—Construction permit to erect new station to operate on **1370 kc.**, power of 100 watts, daytime.

KFOR—Cornbelt Broadcasting Corp., Lincoln, Nebr.—License to cover construction permit granted 1-2-34 to move transmitter locally. *Amended* so that application is now in proper form.

NEW—Abraham Shapiro, Astoria, Ore.—Construction permit to erect new station to operate on **1370 kc.**, power of 100 watts, unlimited time.

The National Association of Broadcasters

NATIONAL PRESS BUILDING ★ ★ ★ ★ ★ WASHINGTON, D. C.

PHILIP G. LOUCKS, Managing Director

NAB REPORTS

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COMMUNICATIONS BILL SPEEDED

The legislative drive to secure enactment of a Federal Communications Commission bill before adjournment of the present Congress began this week with the opening of hearings on the Dill bill (S. 2910) before the Senate Committee on Interstate Commerce. Representatives of the NAB, the Federal Radio Commission and the Interstate Commerce Commission were the only witnesses heard. Representatives of communications companies will be heard beginning Tuesday of next week.

It became evident during the week that every effort will be made to pass the bill, which carries President Roosevelt's approval, within the next five weeks. If this is accomplished the Federal Radio Commission will be abolished and the provisions of the present radio law will be administered by the new Commission.

Chairman Rayburn of the House Committee on Interstate and Foreign Commerce intends to call hearings on his Communications Commission bill within the next ten days.

JUDGE SYKES APPROVES UNIFICATION

The first witness to appear before Senator Dill's committee was Frank McManamy, member of the Interstate Commerce Commission. He testified that the ICC has had jurisdiction over communications since 1910 but insufficient appropriations had precluded the Commission from taking action under the law.

Commissioner McManamy was followed by Judge Eugene O. Sykes, chairman of the Federal Radio Commission, who stated that the "Federal Radio Commission desires to express its endorsement of the creation of a Federal Communications Commission." He asked for several minor changes in the proposed bill and then insisted that the Davis amendment be repealed, the language of the original if radio law be inserted. "Developments during the past few years have made it possible to accurately measure radio broadcast service," he said.

"The provision of the bill which contains the 'Davis amendment' to the original Section 9 of the Radio Act of 1927 is contrary to natural laws and results in concentration of the use of frequencies in centers of population and a restriction of facilities in sparcely populated states, even though interference would permit the operation of one or more additional stations," he said. "Because of the size of the zones this distribution results in providing ample broadcasting service in small zones and lack of service in large zones. Experience has proved that the section as proposed is very difficult of administration and cannot result in 'an equality of radio broadcasting service'."

Judge Sykes also asked that the appeal provisions of the present law be retained.

NAB PRESENTS OBJECTIONS

Appearing as chairman of the Legislative Committee of the NAB, Henry A. Bellows pointed out to the Committee the Association's objections to the Dill bill. Briefly, he asked that the present law be left intact and objected specifically to the provision in the bill which would repeal the present law. His testimony in full text is as follows:

"In appearing before you as the representative of the broadcasting industry in opposition to certain features of S. 2910, I want to make it clear that the broadcasters are wholly in accord with what they conceive to be the purpose and intent of the President's message sent to Congress on February 26, 1934, and consequently are likewise in complete accord with any legislation which carries out that purpose. Their objections, therefore, to S. 2910 are limited exclusively to such features of the bill as, in their judgment, are contrary to the clear intent of the President.

"Permit me to quote three sentences from the message:

"'I recommend that the Congress create a new agency to be known as the "Federal Communications Commission," such agency to be vested with the authority *now* lying in the Federal Radio Commission and with such authority over communications as *now* lies with the Interstate Commerce Commission.'

"'It is my thought that a new commission such as I suggest might well be organized this year by transferring the *present* authority for the control of communications of the Radio Commission and the Interstate Commerce Commission.'

"'The new body should, in addition, be given full power to investigate and study the business of existing companies and make recommendations to the Congress for *additional* legislation at the *next* session.'

"Gentlemen, we submit that the intent of this message is perfectly clear; that the proposed commission is to take over the *present* authority of, the authority *now* lying with, the Radio and Interstate Commerce commissions for the control of communications, and that additional legislation on the subject is expressly advised to be reserved to the *next* session of Congress, after the commission has had an opportunity for investigation and study.

"It is our contention that S. 2910 does not conform to the terms of the President's message. By what we regard as in some instances fundamental changes in the present law relating to radio, it would vest in the new commission an authority quite different from the authority now lying with either of the existing commissions, and anticipate the action which the President has suggested for the next session of Congress, by materially modifying the law before the new commission has had any opportunity to make the investigation which the President recommends.

"It is on this basis, and on this basis alone, that the broadcasters come before you in opposition to certain features of S. 2910.

Repeal of the Radio Act

"Our essential objection to this bill concerns itself with just exactly ten words out of its total of one hundred pages. These ten momentous words appear as Section 602(a) on Page 90. They are, 'The Radio Act of 1927, as amended, is hereby repealed.'

"Gentlemen, we protest most earnestly against the repeal of the Radio Act of 1927, as amended. The President's message does not even suggest any such drastic action, nor does there appear to be any instant necessity which warrants it. The Radio Act of 1927, as amended, may not be perfect. Most of us could suggest ways in which we think it might be improved, though there would be wide disagreement among us as to these improvements, but the fact remains that for seven years it has stood the tests of administration and of court action. If changes in it are desirable, we believe they should be made, as the President indicates, only after investigation and study by the new commission.

"That there has been no urgent demand for any such changes appears from the history of recent bills to amend the Radio Act. There was no general outcry when, a year ago, H. R. 7716, the omnibus amending bill, failed of enactment. Congressman Bland reintroduced that same bill in the House on March 9, 1933, as H. R. 1735, and there has not been enough general interest manifested for the committee as yet to consider it. In the Senate the bill has not even been reintroduced at all. Almost everyone recognizes that, despite minor defects, the Radio Act of 1927, as amended, and the court decisions under it, have established a solid, workable and sound basis for government regulation of radio.

"It is this basis that we believe those ten words on Page 90 of S. 2910 would destroy. The bill creates a new agency of control, and then, notwithstanding the many inevitable problems of any new organization, it takes away its surest legal guide, and repeals the act upon which, above all else, it should be able to rely. It confronts this new commission with a radio law differing in many and important respects from the one now in effect. The commis-

sion will have plenty of work to do, plenty of problems to solve, without being required to administer an untried and untested radio act in place of one which has come almost unscathed through seven years of court tests.

"And what is to be gained by repealing the Radio Act? Either it is incorporated bodily and unchanged in the new law, in which case nothing is accomplished by repealing it, or else the new law alters its provisions, in which case the bill not only goes counter to the President's suggestion, and legislates before investigation by the commission instead of after it, but also launches the new commission on a sea whereon there has been raised an artificial and a wholly needless storm.

"No one can possibly foretell at this time what form this tremendously significant legislation will ultimately assume. No one can possibly, in advance, draft legislation which will adequately and fully define the activities, powers and methods of this new commission. The commission itself must, after careful study and investigation, help in determining its legislative needs. The President has clearly indicated just this, and yet S. 2910 seeks to rewrite the law before the commission is even set up.

"If it is suggested that Title III of this bill is really the Radio Act of 1927, with only a few minor changes, we want to urge upon you, from our years of practical experience in radio, that the changes are neither few nor minor; that one of them seems to us to undermine the whole legal structure which seven years of work have painstakingly built up; that another converts an administrative commission with quasi-judicial functions into a criminal court with wide powers of summary punishment, while a third tends to deny to the commission the right of solving technical problems on the strength of technical evidence. But even if the changes proposed were less drastic, we would still contend that this is no time to repeal the Radio Act, that repeal is absolutely unnecessary, that it is contrary to the advice of the President, and that it means the imposition of a serious and needless handicap on the new commission.

"Accordingly, gentlemen, in order to state exactly what we are suggesting, we ask you to strike out from S. 2910 the whole of Title III, from Page 39, line 12, through Page 68, line 13; and on Page 90, lines 6 and 7, we ask you to strike out the words 'The Radio Act of 1927, as amended, is hereby repealed,' and to substitute therefor the following language, taken from H. R. 8301, which, as you know, omits Title III of the Senate bill: 'The Federal Radio Commission is hereby abolished, and all duties, powers, and functions of the Federal Radio Commission under the Radio Act of 1927, as amended, or under any other provision of law, are hereby imposed upon and vested in the Commission.' We ask you, in other words, to let this bill abolish the Radio Commission, as an obviously necessary move in setting up the new Federal Communications Commission, but to leave the Radio Act of 1927, as amended, to serve as a basis upon which the new commission can advise with Congress in the building of such further legal structures as the future may suggest.

Specific Objections to Title III

"Of course, if the Senate decides to concur in the recommendation which we have just made, and strike out all of Title III, it will not need to consider specific changes in the provisions of that Title as it now stands. However, we want to point out certain of the respects in which Title III differs from the present Radio Act, chiefly in order to make clear our reasons for contending that this bill, in varied and fundamental respects, is actually setting up a new and untried law in place of the tested and established one. Naturally, if the Senate does not completely eliminate Title III, we hope that it will at least make it conform as closely as possible to the present law, but we cannot justify our contention that the Radio Act should not be repealed unless we demonstrate just how sweeping the changes proposed in this bill actually are. In doing this, we are going to reserve till the last all reference to the most far-reaching and, we believe, potentially disastrous change proposed in this bill—the denial under certain circumstances of any right of appeal to the courts.

Technical Administration

"Let me begin with the material added to the present law which appears on Page 47, lines 17 to 26, and Page 48, lines 1 to 10.

"The first of these new provisions declares, in effect, that no broadcasting channel shall be 'cleared' for more than two thousand two hundred miles, airline.

"Now, I have no opinion to express as to whether this mileage separation is good engineering or not. Very few people are sufficiently qualified as radio engineers to say whether the ideal separation for high-powered stations should be twenty-two hundred miles, or eighteen hundred, or twenty-six hundred.

"What we all do know is that this is primarily a technical question. We also know that today's answer to any technical question in radio may be proved wrong tomorrow morning. And we all know how hard it is to get a law amended. For instance, there was a perfectly obvious error of draftsmanship in the amendment to Section 16 of the Radio Act adopted July 1, 1930. Everybody knew it, everybody deplored it, everybody wanted it changed, but it is still there—and I may add that S. 2910 does not remedy this particular matter, as it omits Section 16 entirely. But of that more presently.

"Gentlemen, if Congress is going to change its entire policy with regard to radio by legislating on purely technical matters, why set up a commission at all? If it fixes by statute the mileage separation between high-powered stations, why not do exactly the same thing for the regionals and locals? We have no specific quarrel with twenty-two hundred miles, but we do protest most earnestly against this basic change in the whole theory of the Radio Act. Up to now it has been the function exclusively of the Radio Commission to deal with all such matters; there is not a line in the present law even remotely resembling this new provision. We believe that the new commission should be free to deal with its technical engineering problems in its own way.

"This is not a trivial issue, gentlemen; it is fundamental. So far Congress, and we think wisely, has kept away from all purely engineering questions with regard to radio, recognizing that the solution of such problems is exactly what the commission exists for. Very probably some of you do not like its specific solutions in some instances, any more than we do, but it hardly seems to us that the answer is to deprive the commission of the right and power to do its best according to the technical evidence before it. What this section of the bill actually does it to put Congress into the electrical engineering profession, with a provision which may be a serious burden upon the new commission before Congress can possibly get round to changing it.

"Exactly the same objection applies to the provision on Page 48 regarding 250-watt stations. A year ago, when this legislative suggestion first appeared, the proposed limit was one hundred watts. Gentlemen, the commission is free to do approximately what this provision suggests, to do anything within reason of this kind, under the law as it now stands. The 'quota' here referred to is not mentioned in the existing Act; it is purely a bit of administrative machinery set up by the commission—and a bit of machinery, be it said in passing, which already creaks so much that the commission is now in the process of overhauling it.

"Here again, we submit that this new provision changes the entire purpose and scope of the law, that it puts the determination of engineering principles squarely up to Congress. The basic question raised by both of these proposed additions to the law is a technical one: how much power on a given channel, and what geographical distribution of that power, will give the maximum of service to the public? If Congress wants to answer that question, it seems almost superfluous for the new commission to have any engineering assistance at all.

"We ask you, therefore, not to change the established basis of the Radio Act by undertaking to substitute legislative enactments for the regulations of the commission in technical matters. We feel, absolutely irrespective of the merits of the specific proposals contained therein, that the entire passage from line 17 of Page 47 through line 10 of Page 48 represents a complete reversal of the position in this respect which Congress has up to now so wisely maintained.

Duration of Licenses

"Now, let me call your attention to another basic change in the Radio Act, which appears in lines 15 and 17 of Page 48. The present law sets a limit of three years for broadcasting licenses and one of five years for licenses of any other class. The bill before you cuts these limits down to one year and three years, respectively.

"Why is this proposed? Certainly not to correct any existing evil, for up to now the Radio Commission has never issued a broadcasting license for more than six months. But it has always been the hope of the commission and of the broadcasters, as until now it has apparently been the hope of Congress, that with greater stabilization in the radio field, licenses could be issued for long enough periods to give really adequate encouragement for development. The short-term license has been a serious barrier to the technical advance of radio, but at least there has always been the consolation that Congress recognized the ultimate desirability of

giving some semblance of stability to the business by authorizing licenses for as much as three years.

"Now it is proposed to destroy that hope by Congressional action, and to say to this new commission: 'We in Congress refuse to let you stabilize radio. You shall not encourage the building of improved transmitters, the replacement of old apparatus by new and better equipment. You shall not give any broadcaster the assurance that if he builds a new plant for better service to the public, he can operate it for more than a year.'

"Gentlemen, the broadcasters are not now coming before Congress with any plea for longer licenses. They have been willing, realizing the many and rapid changes in radio technique, to accept the judgment of the Radio Commission in this matter, even though the short-term license has been for them a constant source of financial, technical and legal instability. But they have had faith in the future; they have believed that Congress, in authorizing longer licenses than the commission has seen fit to issue, desires to encourage the development of radio communication. They have felt that when the proper time came, the Radio Commission would act under the authority wisely given to it by Congress, and in its discretion stabilize the industry with license terms long enough to warrant adequate investments in transmitting and other equipment.

"Now, after seven years, it is proposed to destroy that hope, and to tell the new commission that broadcasting must remain unstable, hazardous, unable to look ahead with any assurance or confidence. If the new commission, after investigation, decides to restrict all broadcasting licenses to one year, or six months, well and good; but we do ask you to have at least as much confidence in the judgment of this new commission as you have had in that of the old one—a confidence which, in this respect, has certainly not been abused. We ask you not to change the existing law, with this feature of which there has never been a single word of complaint, in order to perpetuate a condition of instability even though the new commission may determine that a greater degree of permanence would be in the public interest.

Revocation Without Hearing

"Next I ask you to consider another basic change in the Radio Act contemplated in this bill. This change is embodied in the Proviso on Page 55, lines 6 to 12.

"This section (312) is based on Section 14 of the Radio Act. The last part of Section 14 is a proviso that no order of revocation shall take effect until thirty days' written notice has been given, and that within those thirty days any person in interest aggrieved by the order may apply for a hearing. Upon the filing of such application, the order of revocation shall stand suspended until the conclusion of the hearing thus required.

"What have we here in place of this provision? Fifteen days' notice instead of thirty, no specific provision for a hearing, and no provision for suspension of the revocation order until the case has been heard.

"Gentlemen, this seems to us a reversal of the entire theory of the Radio Act. Up to now, and everywhere else even in the bill before you, the law has been scrupulously careful to give the licensee at least his traditional 'day in court.' This bill has even gone to the length of putting in the words 'after a hearing' on Page 53, line 11, where they do not appear in the present law. Still more significant is the change which this new bill makes on Page 42, line 16, which prohibits the commission from changing the wave length, power, or hours of operation of any station except 'after a public hearing.'

"The commission, under this bill, cannot change a frequency or shift an hour of time without a public hearing, but it can revoke a license or impose a fine—and a fine which mathematically, as I shall show you presently, might mount up to a hundred thousand dollars or more—without a hearing at all.

"It may be said that 'to show cause' commonly means a hearing, but some of the members of your own Committee have indicated that it does not necessarily mean this. This matter was discussed at a hearing before your Committee on December 22, 1932, and this same provision was read. It was suggested—I quote from the printed record of the hearing—that the words 'to show cause' mean the granting of a hearing. Then Senator Barkley said: 'Now, gentlemen of the Committee, do they really mean that? Might not the Federal Radio Commission under that language simply say to a broadcaster: "You write us a letter protesting about this thing." If that were to be done, I say that would not be a hearing.' And Senator Barkley went on to say: 'The use of the words "to show cause" might leave it in the discretion of the Federal Radio Commission to say whether or not there shall be a hearing, or just some correspondence exchanged on the subject.'

"A moment later, Senator Fess said: 'Inasmuch as some difference of opinion is arising here in the Committee at this time, let me suggest: What would be the objection to inserting the words "after a hearing"?' To this Senator Wheeler replied, 'I can see no objection to that.'

"Gentlemen, we believe that the words 'after a hearing' ought to be there, but we claim that this is not nearly enough. We urge that the provisions of the present law, giving thirty days' notice, and above all providing for the suspension of the revocation order till the hearing is concluded, ought to be retained. There is no complaint that the present law in this respect has not worked. This new bill carefully safeguards the rights of the licensee in all minor matters, and then subjects him to revocation of his license, to being summarily put out of business, on fifteen days' notice, and with his right to a hearing at least doubtful.

"Under this bill as it stands, gentlemen, the new commission would not be trusted to make reasonable technical regulations, or to determine the proper length of licenses, but it would have authority to revoke licenses on fifteen days' notice. Even if 'to show cause' does mean a hearing, suppose the licensee cannot be ready for a hearing in fifteen days. Suppose he is in California, or Washington, or Oregon, and has to get together his witnesses and bring them across the continent. Under the present law, the revocation order is suspended until he has a chance to be heard. Under this bill his station could be closed in fifteen days whether he was heard or not.

"The present law was carefully drafted so as to give the commission adequate power and at the same time protect the rights of the licensee. No trouble of any kind has arisen in connection with the administration of this section. We feel that it is utterly foreign to the whole spirit of the Radio Act to set up such an arbitrary power of radio life and death as is provided in this section of the new bill.

A Thousand Dollars a Day

"We now come to another innovation—a change which appears completely to alter the status and functions of the body administering the act regulating radio. On Page 54, lines 9 to 12, the new bill adds the words 'or the station owner fined not to exceed $1,000 by the commission for each and every day during which such offense occurs.'

"Let us see what this clause, inserted bodily in the provision of the present law providing for revocation of license, actually does. The revocation of a license is, in substance, a finding that the continued operation of a station is not in the public interest, convenience or necessity as provided by law. It is not a criminal provision, but simply a necessary adjunct of the commission's power in issuing or refusing to issue licenses.

"When, however, the commission imposes a fine, it says in effect this: 'Your operation is still in the public interest, convenience or necessity, or else we would revoke your license, but you are guilty of a crime, for which we are going to punish you.'

"Forthwith, the commission is set up as a criminal tribunal, in which it is at once judge, prosecutor and jury. This is done although the present law, in Sections 32, 33 and 34. provides an entirely proper, orderly and efficient procedure for the imposition of fines or of imprisonment by the courts.

"More than that, this criminal power can apparently be exercised without the complete assurance of a trial. The fine can be imposed without the certainty of even a hearing, simply on fifteen days' notice.

"Gentlemen, is it really desirable or necessary to set up this new commission with, in addition to all its administrative duties, the powers and responsibilities of a criminal court? For seven years the functions of the Radio Commission have been exclusively administrative and quasi-judicial; now it is proposed, by the insertion of a few words, to turn the new commission into what seems to us to be virtually a radio police court, or rather, in view of the summary nature of the proceedings indicated, into a drumhead court martial. The whole theory on which the Radio Commission has functioned under the present law appears to be completely changed by these few added words.

"Certainly such a fundamental change as this would seem to be wholly within the purview of the President's recommendation that additional legislation should be considered, after study and investigation, at the next session of Congress. Let the new com-

mission determine for itself whether it wants and needs to have the powers and functions of a criminal court—whether it wants the right to impose heavy fines with or without trial, or whether it believes, as Congress has believed until now, that justice and efficiency can both be best served by having punishment inflicted by the courts.

"And this right to inflict criminal penalties is no mere gesture. A thousand dollars for each and every day during which the offense occurs, and this, for example, for any failure to operate substantially as set forth in the license—even though this bill says nothing about giving notice that the continuing offense is being committed. A former chairman of your Committee, Senator Couzens—I quote from Page 15 of the report of the hearings on December 22, 1932—himself suggested that the words 'after notice' certainly ought to be added after the words 'the offense occurs.' And what is the application of the 'each and every day' phrase to the one which immediately follows it in this bill, on Page 54, line 12, 'for false statements in the application'? It is not even specified that the statements shall be knowingly or deliberately false.

"It is also provided that a fine of not more than one thousand dollars a day may be imposed by the commission, without the assurance of a hearing, and without previous notice of the offense, for any violation of any regulation of the commission. For six months a station may have unwittingly violated some such regulation—and, gentlemen, the Radio Commission has 146 printed pages of its regulations—and under this law the commission could fine that station one hundred and eighty thousand dollars. I don't say, of course, that the commission would actually do such a thing, but this is the power which this bill gives it.

"If it is suggested that the changes in the Radio Act of 1927 made by this new bill are relatively unimportant, we contend that if this one thing—this matter of giving the Commission the powers of a criminal court—were absolutely the only change made in the law, S. 2910 would still be revolutionary, and would thereby run counter to the advice and recommendation of the President. We feel, therefore, that we have the President's sanction in asking Congress not to make such drastic changes in the law, at least before the new Commission shall have had opportunity to make the study and investigation which the President advises.

Public Questions

"And now we come to Section 315, on Pages 58 and 59, the section relating to facilities for candidates for public office. Gentlemen, there is only one section of the Radio Act of 1927 which has been seriously weakened by the courts, and that is Section 18, the section which this Section 315 replaces. I do not need to repeat the story of the Nebraska case, and the decision filed on June 10, 1932, by Chief Justice Goss of the Nebraska Supreme Court in the case of Sorenson v. Wood. The story is all told in the record of the hearing on H. R. 7716 before your Committee on December 22, 1932, with just one addition to it needed—for at that time we hoped to bring this case before the Supreme Court of the United States, in order to get a definitive ruling as to what Section 18 really means. The Supreme Court refused to let this case come before it, and we find ourselves still in the situation so well summarized by Senator Fess—I quote from the report of the hearing:

"'If a broadcasting station has no authority to indicate what may be spoken over the air, then it would seem to me that to make it responsible for what may be spoken produces an impossible situation.'

"In that same connection, after Senator Dill had suggested that the station does not need to allow people to speak on either side of a question if it does not want to, Senator Wheeler very soundly replied:

"'But if you do that you take away the usefulness of radio.'

"And finally, I quote what Senator Couzens said on this subject:

"'Is it practicable to put into the law a provision that a station may review a speech in order to ascertain whether there is anything libelous or slanderous in the speech before it is made? It seems to me that a station that is going to be made liable under the Nebraska Supreme Court decision must of necessity have the opportunity to know before a speech is made what it contains.'

"At that point Senator Dill interposed, 'And that becomes censorship,' to which Senator Couzens replied, 'Well, so far as protection against slander and libel is concerned, you should have it. I do not see how it is possible for a broadcasting station to otherwise protect itself. Newspaper reviews or copy for newspapers are submitted, of necessity, before publication. And if a newspaper owner says an article is slanderous and he will not publish it even if offered as a paid advertisement, that ends it. Why shouldn't a radio broadcasting station have the same power; to know whether a thing is slanderous or libelous before it is put on the air?'

"All this, gentlemen, applied to the situation as it now is under Section 18 of the Radio Act of 1927. What does this bill do about it? Simply extend the scope of Section 18 to cover not only candidates for public office, but all persons speaking in behalf of or against such candidates, and all discussions of public questions to be voted upon at an election. It says, in effect, that since the present situation is intolerable, this bill will make it very much worse.

"Section 18 of the present law obviously needs something done to it, in the light of the Nebraska case, something along the lines indicated by Senator Couzens, but we insist that it ought not to be made worse instead of better. The inevitable effect of Section 315 is exactly what Senator Wheeler stated, to take away the usefulness of radio by driving political discussion off the air.

"Let us see what will happen. A station allows John Smith to make a speech in support of the candidacy of Tom Jones. The only person who applies for permission to speak against Mr. Jones is James Brown. The station knows that Brown's speech is likely to be packed full of slander, and yet it has got to put him on, and give him as much time as it gave John Smith, and it cannot exercise the slightest censorship over anything he may say, even though it is jointly liable with him for any slanderous utterance. And though it may try to safeguard itself by making him sign an agreement to hold it harmless against action for slander or libel, his signature is not likely to be worth much, and if he refuses to sign such an agreement, and nobody else volunteers to speak in opposition to the candidacy of Mr. Jones, the station has got to let James Brown go on anyway. Under such circumstances, its only possible protection is to keep them all off the air.

"Gentlemen, it seems to us, in the light of our experience as actual broadcasters, that this section of S. 2910 might well be headed 'Radio Discussion of Public Questions Prohibited.' We do not believe it is desirable to do that. Section 18 of the present law admittedly does need revision, both to safeguard the right of free speech and to protect the broadcasters, but certainly we do not want to see our liability for slander increased to a point where we shall have to bar all candidates for public office and all their supporters, and all discussion of public questions to be voted on at an election, from the air. Here, it seems to us, is an ideal place for the investigation and study which the new commission is to make. We suggest, therefore, that the new commission ought to deal with this problem, and recommend to Congress such legislation as it may decide is needed.

"Just one other point regarding Section 315. Paragraph (c) on Page 59 sets up certain regulations regarding rates. Most of us are wholly in agreement with the principle that rates for political talks should not be higher than the rates charged for other types of program, but, considering what the functions of this new commission are to be, we suggest that this is emphatically a subject for commission regulation rather than for special legislation. Furthermore, even if this paragraph may have had ample justification a year ago, the real need for it has since disappeared, owing to the provisions of the Code of Fair Competition under which all the broadcasters are now operating. No station can now discriminate between clients by charging any one either more or less than the published card rate for time.

"In any event, we urge that this whole matter of political broadcasts and of the charges made therefor is for the new commission to investigate and study, with subsequent action by Congress if the commission shall report such action as desirable and necessary.

The Right of Appeal

"Last of all, we come to the most far-reaching change in the Radio Act made by S. 2910. Briefly, this is the elimination of the provisions for appeal to the courts from orders of the Commission.

"It seems to us probable that this omission was not wholly intentional. The index to this bill gives us reason to believe that something different was planned, for on page 100 the heading for Section 402 reads: 'Application of District Court Jurisdiction Act—exception in case of radio matters.' If, however, we turn back to page 70, we find that Section 402 makes no reference whatever to radio matters, or to any exceptions to the application of the District Court Jurisdiction Act. Because this whole problem is

essentially a legal one, I have requested counsel to prepare a short memorandum to be included herewith. This memorandum was written by Mr. D. M. Patrick, formerly general counsel of the Federal Radio Commission, and now associated with the firm of Hogan, Donovan, Jones, Hartson & Guider, of Washington. It reads as follows:

" 'In our opinion one of the most fatal defects in S. 2910 is the fact that there is no adequate procedure established for the review of decisions and orders of the radio division of the proposed Federal Communications Commission.

" 'Section 602, Paragraph (a) provides for the repeal of the Radio Act of 1927 as amended. This, of course, takes with it the appellate provisions of that Act which are embodied in Section 16 of that Act as amended by Act approved July 1, 1930. The only sections of the bill which attempt to provide a review by the courts of decisions and orders of the proposed Federal Communications Commission and of its radio division are Sections 401 and 402, which provide in substance that the procedure to be followed in such cases is that now followed in securing a review of decisions, orders and requirements of the Interstate Commerce Commission; by injunctive relief in the District Court at the instance of some person aggrieved thereby, or by mandamus on behalf of the Attorney General, the Commission, or some person who is adversely affected by the failure of the party against whom the order is directed to carry out its requirements.

" 'While the Interstate Commerce Commission is required in certain instances to pass upon applications for certificates of public convenience authorizing the establishment of new transportation lines or the extension of existing lines as well as the approval of the issuance of securities for the same, such applications really constitute a very small part of that Commission's work. Moreover, the Supreme Court has held that, in the event of a denial of such applications, there is no manner in which the same may be reviewed in the courts. That court has held that such orders are negative in their nature and that it was the implied, if not the express intent of Congress to make the decisions of the Interstate Commerce Commission in such matters final.

" 'On the other hand, applications of this character which involve authority to construct a new radio station, or which seek an increase in the facilities of an existing station, constitute a substantial portion of the entire applications upon which the Federal Radio Commission has been required to pass during its existence, and doubtless will constitute a substantial number of the applications upon which the radio division of the proposed Commission will be required to pass. If, as is to be supposed in view of its decisions involving similar provisions as applied to the Interstate Commerce Commission, the courts take the view that the denial of such applications are negative in character, and refuse to review the exercise of the Commission's discretion, the result will be to make the decisions of the proposed Commission final and unreviewable in a large and substantial number of the cases which come before its radio division. We do not believe that this is a desirable result.

" 'The Radio Act of 1927 as originally enacted, contained an appellate provision which gave the Court of Appeals of the District of Columbia broad powers to review and revise certain decisions of the Federal Radio Commission therein enumerated, and including applications in the class heretofore considered. While Section 16 of the Act as amended by Act approved July 1, 1930, limits and restricts the jurisdiction of the Court of Appeals in such cases to questions of law, it nevertheless preserves a right of review which we think is essential in such cases. In order to preserve this right of review and at the same time to secure the benefit of the decisions of the courts, including the Court of Appeals and the Supreme Court of the United States, in cases which have come to them under the existing law, we believe that Section 16 of the Radio Act as amended and as it now exists should be reenacted in substantially its present form rather than to leave the law silent and defective upon such a substantial question.

" 'We further believe that there is enough difference between the functions of the radio division of the Federal Communications Commission as proposed and the other divisions of that Commission which will deal with common carriers as distinguished from broadcasting to justify the establishment of a separate method of review from that division, and particularly in the class of cases heretofore considered.'

"Once again, gentlemen, we come back to what we cannot but regard as the disastrous results of repealing the Radio Act of 1927. It is under Section 16 of that act that practically the whole body of existing radio law has been built up. It is under that section that the public, the Radio Commission, and the broadcasters have learned their respective rights, under that section that the inherent soundness of the Radio Act itself has been definitely established. And now it is proposed to sweep that section of the law entirely away.

"The new commission is certain to have plenty of troubles without having to work out a new and untried course of legal procedure for dealing with radio problems. We cannot believe that the President, in asking that such a commission be set up, wanted it to come into being with such absolute authority as to deny in many cases the right of appeal to the courts. Such authority could be only a source of additional and wholly needless grief for the Commission itself. As for the broadcasting industry, this change in the law would apparently deny a right which is implicit in our whole system of government—the right to test administrative rulings in the courts.

"If Section 16 needs amendment, as in at least one respect, its failure to allow appeals from refusals to grant applications for construction permits, it certainly does, let the changes follow study and investigation by the Commission itself. We ask you not to strike out from the law the entire section by which the court decisions affecting radio have been secured—the section which is at once the chief protection of the broadcaster and the bulwark of the Radio Commission. Because this change seems to us to undermine the very foundations of radio law, we most earnestly beg you, here as elsewhere, not to repeal the Radio Act of 1927, but to let it stand intact, at least until such time as the new commission shall come before you and ask for changes in it.

Conclusion

"Gentlemen, I have not discussed, and I am not going to discuss, Titles I and II of this measure, although there are various matters in the first thirty-nine pages of the bill which appear at least to need clarification. In Title IV, I have discussed only a single paragraph, Section 402, which replaces Section 16 of the present Radio Act. In these pages (68 to 86) again there are several things the precise meanings of which appear to be open to question. As for Title V and Title VI (pages 86 to 98), I have dealt with exactly ten words: 'The Radio Act of 1927, as amended, is hereby repealed' (page 90).

"I have not even discussed all the matters in Title III which represent changes from the present Radio Act. For instance, there is Section 316 (page 59, lines 20 to 25, and page 60, lines 1 to 8), the lottery section. The broadcasters have never objected to this in principle, though they do not wholly endorse this precise wording, as is clearly shown by the fact that we voluntarily included a similar provision in our own Code of Fair Competition. Presumably a section like this would have been in the Radio Act long ago if it had not been for the policy of which S. 2910 is one more example—the policy of attempting to put through amendments to the Radio Act in omnibus form instead of individually. Title III of this bill is, in effect, just such an omnibus amending act.

"The major issue before you, in so far as S. 2910 affects the very life of radio broadcasting, seems to us so vitally important that I have been unwilling to obscure it by discussing minor details. That major issue is this: Is Congress going to seize this opportunity to repeal the Radio Act of 1927, and to write a new act, differing in several basic respects from the present one, thereby in our judgment launching the new commission on a sea for which the chart has been partly destroyed, or is it going to set up the Federal Communications Commission to take over—and once more I quote the President—'the *present* authority for the control of communications of the Radio Commission and the Interstate Commerce Commission'? Is it going to depend on that new commission 'to investigate and study' and 'make recommendations to the Congress for additional legislation at the next session'?

"With whole-hearted support for the President, the broadcasters believe that his message contains wise counsel for the Congress, and accordingly we ask you to strike out all of Title III of this bill, and so to amend Section 602 (a) as to make it abolish the Federal Radio Commission but to leave the Radio Act of 1927 intact."

McFADDEN BILL HEARINGS MARCH 15

Hearings on the McFadden bill before the House Merchant Marine, Radio and Fisheries committee will begin on March 15, it was announced by Chairman Bland, of Virginia, this week. The NAB will appear and present its views on the measure which has now become the subject of much controversy. The text of the bill was printed in an earlier issue of NAB Reports.

NEW COMMISSIONER NOT SWORN

Anning S. Prall of New York, recently appointed as a member of the Federal Radio Commission from the First Zone, has not yet taken office. Mr. Prall, now serving as a member of Congress from New York, has not decided whether he will take the oath now or await adjournment of Congress.

RADIO CODE AUTHORITY MEETS

The Code Authority for the Radio Broadcasting Industry met in Washington from March 3 to March 8. While the meeting was called primarily for the purpose of contemplating the report on the hours and wages of broadcast technicians, various subcommittees of the Code Authority attended the general conference of code authorities called by General Johnson which was opened by an address by President Roosevelt. The President proposed a reduction in the hours of work and an increase in pay in his opening address.

A drive to carry out the President's wishes is now under way and it is likely that many codes will be reopened for the purpose of rewriting labor provisions.

Another development of major importance was the determination of the NRA to embark on a campaign to secure enforcement of all codes. Every machinery at the disposal of the NRA will be used to enforce compliance and it is likely that the penalty provisions of the law will be invoked if compliance is not quickly fothcoming.

BROADCASTERS FACE FIRM ACTION

The Code Authority for the Radio Broadcasting Industry has certified a list of 71 stations which have failed to furnish copies of rate cards as required by Article VII, Section 1(a) of the broadcasters' code. These stations will receive letters from the NRA demanding immediate compliance with this provision of the code and failure to respond will result in action against them. Stations which failed to reply to questionnaires sent out for information on hours of work and wages will also be certified to the NRA for whatever action it desires to take.

It became apparent during the week that all codes will be rigidly enforced. The principal complaint against the NRA during the conferences was the failure of enforcement and this will be corrected within a very few days Prompt action against violators of code provisions is predicted here.

RADIO PERFORMERS SURVEY

At an early date the Code Authority will send to all stations a questionnaire pertaining to radio artists and performers. This survey is the second to be undertaken by the group and is made mandatory in the code. All NAB stations are urged to give prompt consideration to the qustionnaires as failure to report will result in being reported to the NRA for action. The purpose of this survey is to determine the status of radio performers in their present conditions of employment.

C. A. REPORTS ON TECHNICIANS

The Code Authority for the Radio Broadcasting Industry has completed its report on the survey undertaken several months ago on the hours and wages of radio technicians. The report has been forwarded to General Johnson and will probably be made public by him next week. Copies will be sent to all NAB members just as soon as the report is formally approved by the NRA.

CODE AUTHORITIES MEET

Members of three Code Authorities—for the motion picture, legitimate theater and radio broadcasting industries—held a meeting in the office of Division Administrator Sol Rosenblatt Wednesday evening.

During the meeting, the first between the three industries, problems involved in the use of legitimate theaters for free broadcast shows or programs and competition between the industries for talent was discussed. Another subject before the group was the practicability of united efforts against increasing competition in the form of publicly-sponsored free entertainment.

The Code Authority members participating in the meeting, called by Mr. Rosenblatt, include:

John Shepard, III, Chairman; James W. Baldwin, Executive Officer; and M. R. Runyon, of the Radio Broadcasting Code Authority;

Henry Moscowitz, Executive Adviser; Dorothy Bryant, Secretary; and Louise Krause, of the Legitimate Theater Code Authority; and

John C. Flinn, Executive Secretary; Ed Kuykendall and Sidney R. Kent, of the Motion Picture Industry Code Authority.

A resolution endorsing joint meetings for discussion of mutual problems was discussed.

HIGH FIDELITY DEMONSTRATED

Bell Telephone Laboratories, Inc., demonstrated high fidelity program reproduction before the Broadcast Committee of the Institute of Radio Engineers at its meeting in New York, on March 6.

Reproduction using band widths of 3250, 5500, 7000 and 9000 cycles was demonstrated. Also, similar experiments were performed utilizing a high fidelity radio receiver and a commercially obtainable radio receiver for purposes of direct comparison. Locally generated signals and signals from several New York stations were used.

The performance of a wide-range radio receiving set having various known amounts of introduced noise indicated that an expansion of band width from 3250 cycles to 5500 cycles necessitates an increase of signal level of 8 to 10 decibels to maintain the same apparent signal-noise ratio.

ARGUMENT OVER RADIO BILL REFERENCE

Representative Bland of Virginia, chairman of the House Committee on Merchant Marine, Radio and Fisheries, this week tried to have the Rayburn Federal Communications Commission bill referred to his committee rather than to the Committee on Interstate Commerce of the House of which Mr. Rayburn is chairman. He failed by a vote of 213 to 148.

Up to this time all radio legislation in the House has been handled by the Merchant Marine Committee and Mr. Bland and his associates felt that this latest legislation should also be handled by his committee. There was very little discussion on the resolution before it was voted on because those having the floor at the time refused to allow what was considered sufficient time to explain the situation.

RADIO APPEALS FILED IN COURT

Stations KGDM and WKG, at Stockton, Cal., on Friday filed an appeal with the Court of Appeals of the District of Columbia against the recent decision of the Commission granting Thomas R. McTammay and William R. Bater, Jr., a construction permit for a new station at Modesto, Cal. While there would be no interference the stations claim it would violate their economic rights because there is not enough advertising available.

Station WOQ, Kansas City, Mo., has filed a petition for rehearing in connection with a decision the Court of Appeals rendered on its appeal in which the Court upheld the Commission for taking the station off the air.

100 PER CENT RADIO WEEK PLANNED

Plans have been completed for a national 100-per cent radio week, a continuous promotional campaign in which all parts of the radio industry will be asked to participate with a view to creating increases in listening audiences. The program will be under the direction of Ken Hathaway, director of the Institute of Radio Service Men. The program is scheduled for the week of May 22 to 26. Mr. Hathaway has asked that all NAB members give their support of the program. One of the first efforts will be the launching of a spring drive for automobile radio with the ultimate goal of "A Radio Set In Every Car."

COURT CALLS ASCAP A "RACKET"

The March 1 issue of the Superior, Wis., *Evening Telegram,* prints the following story:

"Judge Patrick Stone Thursday morning denied a motion for new trial in the civil action of the American Society of Composers, Authors and Publishers of New York against Sam Lurye, proprietor of the Ritz cafe.

"Wednesday afternoon Judge Stone dismissed the action in which the music society asked $250 damages from Mr. Lurye on the allegation that he caused to be played in his cafe last July two popular songs without consent or knowledge of the copyright owners.

"Thursday morning Atty. Wellington J. Brown, Duluth, resigned from the case and Atty. John Sprowls, Superior, announced

that he had taken over the case and appealed for a new trial on the ground that Judge Stone had dismissed the case contrary to the evidence.

"Judge Stone lost no time in declaring that the motion for new trial was dismissed and declared:

" 'The witness (Miss Eleta Peterson, Duluth) entirely disqualified herself on the stand. Her testimony was such that I couldn't base a judgment for the amount asked for in the complaint or any amount. That is the stand the court has taken in this case and I am satisfied that I am right.

" 'To me this case is nothing but a plain racket. I don't think it is right. It is legalized dishonesty. That the plaintiff should go down into the pocket of the defendant and take $250 because these two pieces have been played is entirely unequitable.'

"Later, after Attorney Brown explained that he has been retained as an investigator and attorney by the New York Society, Judge Stone apologized for some of the remarks he had made.

"Attorney Sprowls renewed his plea for a new trial and Judge Stone countered with a declaration that 'no more cases of this nature will be tried in this court. If they are tried, there'll be another judge called in to preside. The defendant in this action has been put to enough expense and trouble.' "

C. C. I. R. MEETINGS CONCLUDED

The concluding meeting of the group preparing the material to be furnished by the United States to the Third Meeting of the C. C. I. R. at Lisbon, September, 1934, was held Wednesday, March 7.

The U. S. material included opinions on a number of important phases of broadcasting technique.

COMMISSION MEETING POSTPONED

Because of the hearing on the Dill bill, the Commission meeting scheduled for Friday, March 9, was postponed until Monday, March 12.

SECURITIES ACT REGISTRATION

The following companies filed registration statements with the Federal Trade Commission under the Securities Act during the current week:

First Commonstocks Corporation, Jersey City, N. J. (2-700).

Chateau Corporation, Los Angeles, Calif. (2-701).

Atlantic Bargain Stores, Inc., Greensboro, N. C. (2-702).

Committee for the Protection of the Holders of National Union Mortgage Company Gold Bonds issued Under Trust Indenture Dated April 1, 1926, New York City, N. Y. (2-703).

Everts-Old Gulf Crews Fee Drilling Fund, Dallas, Texas. (2-704).

Bondholders' Protective Committee, National Postal Buildings, Inc. (Flatbush Station), St. Louis, Mo. (2-705).

Ozark Barrel & Body Corporation, West Helena, Ark. (2-706).

Committee for the Protection of the Holders of the First Mortgage Bonds Sold Through American Bond and Mortgage Company, Constituted under Deposit Agreement Dated October 24, 1929, Chicago, Ill. (2-707).

Mountain City Copper Co., Salt Lake City, Utah. (2-708).

Universal Pipe and Radiator Co., New York City, N. Y. (2-709).

FEDERAL RADIO COMMISSION ACTION

HEARING CALENDAR

Wednesday, March 14, 1934

Oral Argument Before Commission en banc

WSYR—Central New York Broadcasting Corp., Syracuse, N. Y.—C. P., **570 kc.**, 500 watts, unlimited time. Present assignment, **570 kc.**, 250 watts, unlimited time.

NEW—The State Journal Co., Lansing, Mich.—C. P., **1210 kc.**, 100 watts, 250 watts LS.

Thursday, March 15, 1934

NEW—J. H. Squires and A. E. Cullum, Jr., Dallas, Tex.—C. P., **1200 kc.**, 100 watts, daytime (facilities of KFYO).

NEW—Earl Marvin Nail, Lubbock, Tex.—C. P., **1310 kc.**, 100 watts, share time with KFYO (facilities of KFYO.)

KFYO—T. E. Kirksey, Lubbock, Tex.—Renewal of license, **1310 kc.**, 100 watts, 250 watts LS, unlimited time.

Friday, March 16, 1934

(These cases were heretofore heard and decided but reopened for further hearing:)

WMBD—Peoria Broadcasting Co., Peoria, Ill.—Modification of license, **1440 kc.**, 500 watts, unlimited time (facilities of WTAD). Present assignment, **1440 kc.**, 500 watts, 1 KW LS, shares time with WTAD.

WTAD—Illinois Broadcasting Corp., Quincy, Ill.—Renewal of license, **1440 kc.**, 500 watts, shares time with WMBD.

APPLICATIONS GRANTED

WICC—Bridgeport Broadcasting Station, Inc., Bridgeport, Conn.—Granted modification of license to change name to Southern Connecticut Broadcasting Corp.

WFDV—Rome Broadcasting Corp., Rome, Ga.—Granted authority to operate without approved frequency monitor while it is being sent to factory for recalibration.

WSUI—State University of Iowa, Iowa City, Iowa—Granted special temporary authority to operate from 10 p. m. to 12 midnight, CST, on March 10, in order to broadcast University party program.

SET FOR HEARING

WGBI—Scranton Broadcasters, Inc., Scranton, Pa.—C. P. to increase power from 250 watts to 1 KW, make changes in equipment, and use directional antenna.

NEW—Hoosier Broadcasting, Inc., Indianapolis, Ind.—C. P., **1360 kc.**, 1 KW, unlimited time, facilities of WGES and those vacated by WJKS.

MISCELLANEOUS

WGES—Oak Leaves Broadcasting Station, Inc., Chicago, Ill.—Suspended grant made February 27, 1934, of special temporary authority to operate unlimited time on **1360 kc.** not to exceed 28 days, because of protests of stations WHFC, WEHC, and WKBI. Application designated for hearing.

ORAL ARGUMENT DATE CHANGED

Oral argument on Ex. Rept. No. 534, set for March 7, 1934, before the Commission en banc, continued to March 21, 1934, at request of attorneys for applicant and protestant. In this case Herbert H. Fette seeks a C. P. for station at Meriden, Minn., to operate on **1310 kc.**, 100 watts, daytime hours.

APPLICATIONS RECEIVED

First Zone

WFAS—Westchester Broadcasting Corporation, White Plains, N. Y.—Special experimental authorization to operate simultaneously with Station WJBI, sharing as before with WGBB and WGNY for period of 30 days commencing 4-1-34.

WJBI—Monmouth Broadcasting Co., Red Bank, N. J.—Special experimental authorization to operate simultaneously with Station WFAS, sharing as before with WGBB and WGNY for period of 30 days commencing 4-1-34.

WINS—American Radio News Corp., New York, N. Y.—Special experimental authorization to use power of 5 KW and to operate unlimited time for period ending 8-1-34.

WJEJ—Hagerstown Broadcasting Co., Hagerstown, Md.—Construction permit to change frequency to **1330 kc.**; increase power; change equipment and move transmitter, exact location to be determined. Amended to request **1210 kc.**; omit transmitter change; change power to 50 watts, 250 watts LS, unlimited time.

WHN—Marcus Loew Booking Agency, New York, N. Y.—Extension of special experimental authorization until 3-30-34 to use power of 1 KW, operate from 1 a. m. to local sunset, and make changes in equipment.

WORC—Alfred F. Kleindienst, Worcester, Mass.—License to cover special experimental authorization granted 2-9-34 to use directional antenna on **1280 kc.**, 500 watts, and unlimited time.

Second Zone

WKZO—WKZO, Inc., Kalamazoo, Mich.—Modification of license to change hours of operation from day time to unlimited time and change power from 1 KW LS to 500 watts, 1 KW LS.

WRAX (Aux.)—WRAX Broadcasting Co., Philadelphia, Pa.—Construction permit for auxiliary transmitter.

WKZO—WKZO, Inc., Kalamazoo, Mich.—Construction permit to move transmitter, exact site to be determined; change equipment; change hours of operation from daytime to unlimited time, and power from 1 KW LS, to 500 watts, 1 KW LS.

WPEN (Aux.)—Wm. Penn Broadcasting Co., Philadelphia, Pa.—Construction permit for auxiliary transmitter.

KARK—Arkansas Radio & Equipment Co., Little Rock, Ark.—License to cover construction permit, as modified, granted 6-9-33, to make changes in equipment and move transmitter locally.

KYW—Westinghouse Electric and Manufacturing Company, Philadelphia, Pa.—Modification of construction permit granted 10-27-33 to move transmitter from Bloomingdale Twp., Ill., to Whitemarsh Twp., Pa., and studio from Chicago, Ill., to Westinghouse Bldg., 30th and Walnut Sts., Philadelphia, Pa.; extension of completion date to 10-27-34 is requested.

NEW—Lucien R. Gruss, Cleveland, Ohio—Construction permit to erect new station to operate on **610 kc.,** 500 watts power, daytime.

Third Zone

KLRA—Arkansas Broadcasting Co., Little Rock, Ark.—Modification of license to incorporate in license authority to use auxiliary tube in last radio stage in conjunction with an interlocking switch as authorized by special temporary authorization granted 10-27-33 for period from 11-1-33 to 5-1-34.

WSOC—WSOC, Inc., Charlotte, N. C.—License to cover construction permit granted 2-20-34 to install new equipment and increase power from 100 watts to 100 watts, 250 watts LS.

WBRC—Birmingham Broadcasting Co., Inc., Birmingham, Ala.—Authority to determine operating power by direct measurement of antenna power.

NEW—Frank M. King, Mobile, Ala.—Construction permit to erect new station to operate on **1380 kc.,** power of 500 watts, 1 KW LS, unlimited time, facilities of WODX.

Fourth Zone

WLBF—WLBF Broadcasting Company, Kansas City, Kans.—Modification of license to change frequency from **1420 kc.** to **1310 kc.**

WHBU—Anderson Broadcasting Corp., Anderson, Ind.—License to cover construction permit granted 2-13-34 to rebuild station destroyed by fire.

WCFL (Aux.)—Chicago Federation of Labor, Chicago, Ill.—Construction permit to erect auxiliary transmitter.

NEW—Dr. J. R. Burgess and George B. Bairey, d/b as WHM Broadcasting Co., Helena, Mont.—Construction permit to erect new station to operate on **1420 kc.,** power of 100 watts, specified hours.

Fifth Zone

NEW—H. E. Studebaker, Lewiston, Idaho—Construction permit to erect a new station to operate on **1420 kc.,** 100 watts, and unlimited time. Amended to be considered under Rule 6 (g).

APPLICATIONS RETURNED

KVI—Puget Sound Broadcasting Co., Inc., Tacoma, Wash.—Modification of license to increase power from 500 watts to 500 watts, 1 KW LS. (Rule 6 and date of application.)

NEW—KWIL Broadcasting Co. (D. A. Gibbs, Jr., and E. H. Shemorry, partners), Williston, N. Dak.—Construction permit to erect new station with power of 500 watts on **1500 kc.,** daytime. (Rules 6, 140 and 151, and Section 14.)

The National Association of Broadcasters

NATIONAL PRESS BUILDING ★ ★ ★ ★ ★ WASHINGTON, D. C.

PHILIP G. LOUCKS, Managing Director

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BROADCAST ADVERTISING IN JANUARY

Broadcast advertising during the first month of the current year showed slight gains over December 1933 volume. Total expenditures for time on the part of advertisers during the month amounted to $6,165,011.00, a gain of two tenths of one per cent over the previous month.

National network advertising continued its remarkable rise of recent months. January network revenues amounted to $3,759,995.00, having increased 1.7% over the December figure. Network revenues for the current month were 34.0% above those of January 1933. It is also of interest to note that January national network revenues were but 5.6% below those of January 1932, which in turn was the third highest month in the history of national network advertising.

Individual station advertising decreased .9% as compared with December, and amounted to $2,351,438.00. The January individual station volume was 4.5% under that of November, the high month of the current season. The decline in individual station revenues was due almost entirely to the normal seasonal down-swing in retail advertising. Local advertising for the month decreased 10.7% as compared with December. Retail advertising declined 13.4% in spite of the fact that advertising by automobile dealers considerably more than doubled as compared with the previous month. Department and general store radio advertising was approximately 50.0% as high as in December.

It would seem that it was the smaller retail advertiser who cut his radio effort following the passing of the Christmas season. While local live talent end electrical transcription volume remained fairly even as compared with the previous month, the volume of programs using records decreased approximately 50.0%, while local spot announcement business declined 23.5% from the December level. Regional network advertising also declined, seeming to follow the individual station example rather than that of the national networks.

The radio advertising trend in January over individual stations is very similar to that found in the newspaper field, where general retail lineage during the current months decreased approximately 28.0% as compared with December, while department store volume dropped 34.0%.

The total volume of broadcast advertising over national and regional networks and individual stations during January is found in Table I:

TABLE I
TOTAL RADIO BROADCAST ADVERTISING VOLUME

Class of Business	*Gross Receipts December 1933*	*January 1934*
National networks	$3,697,283.00	$3,759,995.00
Regional networks	80,878.00	53,578.00
Individual stations	2,374,454.00	2,351,438.00
Total	$6,152,615.00	$6,165,011.00

Comparison with Other Media

A comparison of the expenditures for radio broadcast advertising and other major media is found in Table II:

TABLE II
ADVERTISING VOLUME BY MAJOR MEDIA

Advertising Medium	*Gross Receipts December 1933*	*January 1934*
Radio broadcasting	$6,152,615.00	$6,165,011.00
National magazines[1]	8,254,556.00	6,360,965.00
National farm papers	265,645.00	296,077.00
Newspapers	40,069,311.00	34,261,950.00
Total	$54,742,127.00	$47,084,003.00

[1] National magazine totals are for 108 periodicals, prepared by Publishers' Information Bureau, Inc., from which source national farm papers and networks are also taken.

National magazine advertising volume decreased 24.1% during the current month as compared with December. Advertising volume in monthly magazines was approximately 10.0% ahead of that of January 1933, while weeklies showed an increase of 4.0% as compared with the same period of the previous year. Newspaper advertising declined 14.5% as compared with December, due principally to retail advertising. January volume was 6.9% higher than in 1933. National farm paper advertising showed a gain of 10.3% as compared with December, and was 1.0% higher than for the same period of the previous year. Compared with other national advertising media the record of network radio advertising is the best in the entire field.

Seasonal Trends in Broadcast Advertising

Information gathered during the past seven months by the NAB Statistical Service, has revealed a number of highly interesting seasonal trends with regard to broadcast advertising which may be summarized at this time. These may be stated as follows:

1. National network and individual station advertising volume each have their own particular seasonal patterns. National network advertising presents a highly unique seasonal trend, which, contrary to other national media, does not show a decline at the first of the year.

2. Individual station advertising volume tends to follow general retail advertising trends, due undoubtedly, to the large volume of retail and small local manufacturer advertising contained within its total volume.

3. National spot advertising, though fluctuating more than network volume, tends to follow the network trend rather than the local trend, thus offsetting in part the decline of local business over individual stations during the post-Christmas period. This is indicated during the current month by the 13.9% increase in national spot volume as compared with December.

4. Individual station advertising seems to show fewer summer fluctuations than does network advertising, if indications of the past summer are at all typical.

Advertising Over Various Classes of Stations

The volume of non-network advertising placed over individual stations of various classes of power during January is as follows:

TABLE III
NON-NETWORK BROADCAST ADVERTISING BY POWER OF STATION

Power of Station	*Gross Receipts December 1933*	*January 1934*
Over 5,000 watts	$778,767.00	$908,290.00
2,500-5,000 watts	252,030.00	226,471.00
250-1,000 watts	1,037,911.00	949,677.00
100 watts and under	305,828.00	267,000.00
Total	$2,374,454.00	$2,351,438.00

The most interesting trend during the month has been the rather marked increase in non-network advertising over stations of more than 5,000 watts in power. Non-network revenues of stations of this class increased 16.5% as compared with December. Stations of the 2,500-5,000 watt class experienced a 10.0% decrease in revenues as compared with the previous month, stations in the 250-1,000 watt class experienced an 8.5% decrease in non-network receipts and stations of 100 watts, a 12.7% decline. The situation with regard to the 100 watt group is again indicative of the fact that it is the smaller retailer who curtails his advertising during the January period.

Advertising by Geographical Districts

The principal trend of interest during January has been the 26.3% as compared with the previous month. This is the first increase in non-network revenue on the part of this section of the country to have been experienced in recent months. Other sections

of the country showed decreases in revenue ranging from 8% to 10%. The amount of non-network advertising placed over stations in different parts of the country is found in Table IV:

TABLE IV

NON-NETWORK BROADCAST ADVERTISING BY GEOGRAPHICAL DISTRICTS

	Gross Receipts	
Geographical District	*December 1933*	*January 1934*
New England-Middle Atlantic Area	$507,810.00	$642,012.00
South Atlantic-South Central Area	424,911.00	390,090.00
North Central Area	991,873.00	914,886.00
Pacific and Mountain Area	449,860.00	404,450.00
Total	$2,374,454.00	$2,351,438.00

Spot and Local Advertising

A comparison of the volume of national spot and local advertising placed over individual stations during January 1934 is found in Table V:

TABLE V

COMPARISON OF NATIONAL SPOT AND LOCAL BROADCAST ADVERTISING

	Gross Receipts	
Class of Business	*December 1933*	*January 1934*
National spot	$994,520.00	$1,075,290.00
Local	1,429,934.00	1,276,148.00
Total	$2,374,454.00	$2,351,438.00

National spot and local advertising showed divergent tendencies during January. Spot advertising rose 13.9% as compared with December, while local advertising declined 10.7% during the same period. Causes for the decline in the local advertising volume have been discussed earlier in the report and do not require repetition at this point.

Advertising by Type of Rendition

Trends with regard to electrical transcriptions and other types of broadcasting rendition are found in Tables VI and VII:

TABLE VI

NON-NETWORK BROADCAST ADVERTISING BY TYPE OF RENDITION

	Gross Receipts	
Type of Rendition	*December 1933*	*January 1934*
Electrical transcriptions	$462,942.00	$545,430.00
Live talent programs	935,673.00	1,057,331.00
Records	66,473.00	38,177.00
Spot announcements	909,366.00	710,500.00
Total	$2,374,454.00	$2,351,438.00

TABLE VII

COMPARISON OF LOCAL AND NATIONAL SPOT ADVERTISING BY TYPE OF RENDITION

(January 1934)

	Gross Receipts for Month		
Type of Rendition	*National Spot*	*Local.*	*Total*
Elec. transcriptions	$437,678.00	$107,752.00	$545,430.00
Live talent programs	407,010.00	650,321.00	1,057,331.00
Records	7,102.00	31,075.00	38,177.00
Spot announcements	223,500.00	487,000.00	710,500.00
Total	$1,075,290.00	$1,276,148.00	$2,351,438.00

Electrical transcription advertising increased 17.7% as compared with December. This was due entirely to the rise in national spot electrical transcription advertising which rose 27.0%, local advertising having decreased approximately 9.0% as compared with the previous month.

Live talent program advertising revenue increased 13.0% over the previous month, due mainly to a marked rise in national spot volume. Local live talent advertising remained practically the same as in December.

Advertising volume wherein records were used declined approximately 50% as compared with the previous month. Spot announcements also decreased. Total spot announcement volume declined 21.8% while the volume of local advertising of this type decreased 23.5%.

Participations

The volume of participation business again showed a marked increase, due principally to a rise in live talent presentations of this type. The trend in this field is portrayed in Table VIII:

TABLE VIII

PARTICIPATION OVER INDIVIDUAL STATIONS

	Gross Receipts	
Type of Rendition	*December 1933*	*January 1934*
Electrical transcriptions	$1,000.00	$309.00
Live talent programs	91,192.00	128,300.00
Records	15,542.00	8,854.00
Total	$107,734.00	$137,463.00

Radio Advertising Sponsors

A number of interesting trends in the sponsorship of broadcast advertising by different types of industries were revealed during January 1934. There was a marked rise in the volume of automotive advertising, national spot advertising of this type increasing 36% and local advertising more than doubling. National spot advertising increased 21.1% in the food field, and 37.0% in the confectionery field. Clothing and apparel advertising decreased 32.0%, network advertising declining 54.0%, local advertising 26.0% while national spot advertising of this type experienced a slight rise. Soap and household advertising rose 25.4% as compared with December, the increase taking place in all types of broadcasting. Advertising of radios dropped 23.0% while department store and general store advertising declined 52.0%. Tobacco advertising rose approximately 15.0% due to increased national network appropriations.

The trend in broadcast advertising sponsored by different types of business is found in Tables IX and X:

TABLE IX

RADIO BROADCAST ADVERTISING VOLUME BY TYPE OF SPONSORING BUSINESS

(January, 1934)

Type of Sponsoring Business	Gross Receipts for Month — National Networks	Regional Networks	Individual Stations	Total
1a. Amusements	—	—	$45,889.00	$45,889.00
1-2. Automobiles and Accessories:				
(1) Automobiles	$191,270.00	$3,372.00	238,044.00	432,686.00
(2) Accessories, gas and oils	315,130.00	20,904.00	179,854.00	515,888.00
3. Clothing and apparel	17,968.00	1,000.00	131,677.00	150,645.00
4-5. Drugs and toilet goods:				
(4) Drugs and pharmaceuticals	421,748.00	2,967.00	329,646.00	754,361.00
(5) Toilet goods	761,695.00	—	89,467.00	851,162.00
6-8. Food products:				
(6) Foodstuffs	730,297.00	16,817.00	393,464.00	1,140,578.00
(7) Beverages	308,384.00	1,242.00	66,542.00	376,168.00
(8) Confections	130,080.00	380.00	61,029.00	191,489.00
9-10. Household goods:				
(9) Household equipment and furnishings	55,303.00	—	113,373.00	168,676.00
(10) Soap and kitchen supplies	145,345.00	—	23,436.00	168,781.00
11. Insurance and financial	65,075.00	—	46,081.00	111,156.00
12. Radios	47,249.00	—	10,307.00	57,556.00
13. Retail establishments	—	—	84,360.00	84,360.00
14. Tobacco products	436,893.00	—	7,946.00	444,839.00
15. Miscellaneous	133,558.00	6,896.00	530,323.00	670,777.00
Total	$3,759,995.00	$53,578.00	$2,351,438.00	$6,165,011.00

TABLE X

NON-NETWORK ADVERTISING BY TYPE OF SPONSORING BUSINESS

(January, 1934)

Type of Sponsoring Program	Gross Receipts for Month — National Spot	Local	Total
1a. Amusements	$5,929.00	$39,960.00	$45,889.00
1-2. Automobiles and Accessories:			
(1) Automobiles	135,792.00	102,252.00	238,044.00
(2) Accessories, gasoline and oil	94,453.00	85,401.00	179,854.00
3. Clothing and apparel	12,978.00	118,699.00	131,677.00
4-5. Drugs and toilet goods:			
(4) Drugs and pharmaceuticals	221,803.00	107,843.00	329,646.00
(5) Toilet goods	70,379.00	19,088.00	89,467.00
6-8. Food products:			
(6) Foodstuffs	172,494.00	220,970.00	393,464.00
(7) Beverages	15,165.00	51,377.00	66,542.00
(8) Confectionery	58,625.00	2,404.00	61,029.00
9-10. Household goods:			
(9) Household equipment and furnishings	37,265.00	76,108.00	113,373.00
(10) Soap and kitchen supplies	12,494.00	10,942.00	23,436.00
11. Insurance and financial	13,601.00	32,480.00	46,081.00
12. Radios	1,382.00	8,925.00	10,307.00
13. Retail establishments	7,180.00	77,180.00	84,360.00
14. Tobacco products	6,443.00	1,503.00	7,946.00
15. Miscellaneous	209,307.00	321,016.00	530,323.00
Total	$1,075,290.00	$1,276,148.00	$2,351,438.00

A detailed analysis of the trends in broadcast advertising by different types of business is as follows:

1a. *Amusements:*—Amusement advertising declined 18% as compared with the previous month. The January volume of $45,889.00 is the lowest point reached by this type of advertising during the past seven months.

1. *Automobiles:*—Automotive advertising increased 16.9%. National network advertising decreased slightly, while individual station volume rose approximately 75%. National spot advertising over individual stations rose 36% and local advertising more than doubled in volume.

2. *Accessories, gasoline and oil:*—Accessory and gasoline broadcast advertising volume rose approximately 5% as compared with December. Most of this increase was found in the national network field. There was a decline in regional network volume and a slight increase in individual station volume, due to a rise in local accessory and gasoline advertising.

3. *Clothing:*—Total broadcast advertising volume in this field decreased approximately 32%. National network volume declined 54%, and individual station volume 26%. Local advertising in the clothing and apparel field dropped 31% as compared with the previous month. The only increase registered was in the national spot field which almost tripled.

4. *Drugs and pharmaceuticals:*—There was a slight rise in drug and pharmaceutical advertising as compared with December, due to an increase in national network business of this type. Local and national spot volume remained comparatively even.

5. *Toilet goods:*—An increase of 11.3% was experienced in this field during January. Network and individual station revenues from ths source increased in approximately equal proportion.

6. *Foodstuffs:*—There was little or no change in total advertising volume in this field. National network volume decreased slightly. Individual station volume increased slightly, due to a 21.1% increase in national spot foodstuffs advertising.

7. *Beverages:*—Beverage advertising over the radio increased approximately 9% as compared with December. This was due principally to national network volume. National spot beverage advertising held even while local advertising of this type decreased 16.4%.

8. *Confectionery:*—A 19% increase was experienced in this field due mainly to a 37% rise in national spot confectionery advertising.

9. *Household appliances:*—The total in this field remained even, in spite of a marked increase in the national spot field and a de-

crease in the local furniture and household appliance broadcast advertising.

10. *Soaps and kitchen supplies:*—Broadcast advertising in this field increased 25.4% as compared with the previous month. The increase was relatively uniform throughout all parts of the broadcasting structure.

11. *Financial:*—Financial radio advertising decreased 7.5% during the month. There was a slight increase in national spot volume while local advertising decreased 46.8%. National network advertising increased slightly.

12. *Radio:*—Radio manufacturer and dealer sponsorship of broadcasting decreased 23% as compared with the previous month. Individual station volume declined approximately 50%, the principal reason for the downward trend.

13. *General retail:*—A decrease of 52% was experienced in this field, due principally to declining department store and general store volume.

14. *Tobacco:*—Tobacco advertising volume over the radio increased approximately 15% during the month, a rise in national network volume being responsible for the upward trend.

15. *Miscellaneous:*—The miscellaneous group showed a downward trend, all types of broadcasting declining more or less evenly.

Retail Advertising

The volume of retail advertising of all types is found in Table XI:

TABLE XI

RETAIL ADVERTISING OVER INDIVIDUAL STATIONS

(January, 1934)

Type of Sponsoring Business	*Gross Receipts for month*
Automobiles and accessories:	
Automobile agencies and used car dealers	$102,252.00
Gasoline stations, garages, etc.	23,636.00
Clothing and apparel shops	129,920.00
Drugs and toilet goods:	
Drug stores	23.636.00
Beauty parlors	4,132.00
Food products:	
Grocery stores, meat markets, etc.	49,080.00
Restaurants and eating places[1]	19,865.00
Beverage retailers	565.00
Confectionery stores, etc.	1,405.00
Household goods:	
Household equipment retailers[2]	26,567.00
Furniture stores	43,907.00
Hardware stores	8,100.00

TABLE XI *(Continued)*

RETAIL ADVERTISING OVER INDIVIDUAL STATIONS

(January, 1934)

Type of Sponsoring Business	*Gross Receipts for month*
Radio retailers	$8,925.00
Department and general stores	84,360.00
Tobacco shops	1,466.00
Miscellaneous	42,652.00
Total	$570,468.00

[1] Exclusive of hotels.

[2] Such as electric refrigerators, oil burners, sweepers, furnaces and the like.

The principal trends in the retail field are a doubling of the automotive volume, a 43% increase in the drug store field, and smaller increases in beauty parlor advertising, household equipment advertising and tobacco advertising. Declines are to be noted in the clothing, restaurant, beverage, confectionery, furniture, hardware and radio fields. General retailing, including retailers of all types as contrasted with the department and general store classification in Tables IX and X, decreased 13.4% as compared with December.

General Business Conditions

The general trend up business activity seems to be upward. The New York Times Index on February 17 stood at 82.2 as compared with 77.2 on January 27, a rise of 7.5%. Commodity prices continued upward, the Department of Labor index on February 17 being 73.7 as compared with 72.4 at the end of January. The food price index rose from 65.0 to 67.4 during the same period. The car loading index rose from 58.8 to 62.5 during the same period, while the Detroit factory employment index mounted from 83.2 at the end of January to 90.9 on February 17. Automobile production increased rapidly, the index in this field rising from 58.7 to 93.1 during the period under consideration. A marked increase occurred in the utilization of electrical power, the index rising from 89.0 to 98.5. The construction index, however, declined from 34.2 to 28.3 during the period.

A large amount of the business activity in recent months has arisen out of the CWA activities of the government, the crop money distributed in certain sections, and the anticipation of increased business on the part of manufacturers during the spring and summer. It still remains to be seen whether middle class purchasing income has been sufficiently assisted to maintain a volume of purchases of products such as automobiles, refrigerators and other similar goods over any protracted period of time. The trend of retail sales of these articles during the coming three or four months is therefore of especial importance in evaluating future business developments.

The National Association of Broadcasters

NATIONAL PRESS BUILDING ★ ★ ★ ★ ★ WASHINGTON, D. C.

PHILIP G. LOUCKS, Managing Director

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TELEPHONE INVESTIGATION PROMISED

A sweeping investigation of tbe American Telepbone and Telegrapb Company was forecast this week wben Senator Dill, chairman of the Senate Committee on Interstate Commerce, announced that be would introduce in tbe Senate shortly a resolution calling for a probe of tbe practices and cbarges of the telepbone company.

The chairman of the committee announced his intention at the close of bearings before his committee on the Dill bill (S. 2910) wbich would set up a new Federal Communications Commission to take over tbe functions of tbe Federal Radio Commission and administer tbe present radio law and the communications provisions of the Interstate Commerce Act. The bearings continued through Tuesday, Wednesday and Tbursday, and reacbed a conclusion Thursday noon. Much of tbe testimony concerned tbe control of wire and telegrapb operations.

Investigation of tbe telephone company was demanded by E. N. Nockels, legislative representative of the American Federation of Labor, after be read a resolution adopted by that organization some time ago. A similar resolution was adopted by the NAB at its St. Louis convention.

Mr. Walter S. Gifford, President of A. T. & T. Co., recommended amendment of the bill so that no controversial items would be included, in accordance with tbe message of President Roosevelt; otberwise, tbe A. T. & T. Co. must oppose the passage of tbe bill to the fullest extent of its ability. Mr. Gifford testified at some lengtb on tbe provisions of certain sections of the bill.

Mr. R. B. Wbite, President of Western Union, suggested that there sbould be some provision in tbe bill for tbe settlement of labor disputes within communication companies, in order to prevent sudden disastrous interruptions to services as a result of labor disputes. During the discussion of this suggestion, it was stated by Senator Dill that tbe Railway Labor Act is coming up for revision during tbe next few weeks, and that it might be better to amend the Labor act than to put a new provision in the communications bill.

Mr. David Sarnoff, President of R. C. A., expressed general approval of tbe formation of the Communications Commission, but objected to the inclusion of new provisions in the present bill.

Mr. Sostbenes Behn, President of I. T. & T. Corp., also expressed general approval of the formation of a Communications Commission and objection to the inclusion of new provisions in the bill. He stated that no national emergency exists to justify such legislation. Mr. Behn was questioned at some length concerning the foreign ownership of stock of the I. T. & T. Corp., whicb is a bolding company of Mackay Radio, and stated he was unable to offer a suggestion regarding a workable and practicable method of limiting tbe stock ownersbip of I. T. & T. to United States citizens.

Capt. S. C. Hooper, Director of Naval Communications, empbasized tbe need for formulating a plan of national and international communications which will lend itself to the demands of national defense in time of war. Some of his testimony related to the foreign ownersbip of stock in holding companies which in turn control United States radio stations.

The Chamber of Commerce of tbe United States filed a statement opposing the formation of the Commission, claiming tbat "the commission of seven members, as proposed, would be unnecessarily large, while the proposed requirement in the bill that tbe commission be organized in three specialized divisions, to deal witb broadcasting, telegrapb, and telephone, would be inefficient and would tend to promote tbe development of unnecessary regulation".

Father Harney, of WLWL, was prevented by Senator Dill from reading a long statement concerning WLWL's alleged difficulties with tbe Federal Radio Commission on the grounds tbat it would be then necessary to have the record include the Commission's side of the case. An amendment was suggested to the bill wbich would make null and void all existing radio licenses 90 days after passage of the act, require the new Commission to re-allocate all facilities among the five zones, and require the new Commission to allocate 25 per cent of the broadcasting facilities to educational, religious, labor, and other co-operative non-profit stations supposed to operate in the public interest, and further to autborize such educational and religious stations to sell time in order to defray expenses.

Senator Dill stated that he is now engaged in preparing a resolution to be introduced into the Senate at an early date, calling for an investigation of the A. T. & T. Co. by a Senate committee. He stated that he is continually being informed of evidences of monopolistic practices and patent exploitation by the A. T. & T. Co. and that he had reached the conclusion that a public record should be made of the facts.

Senator Wbite announced his intention to offer to the committee an amendment to the bill which would remove all controversial matter, in accord witb tbe wishes expressed in the President's message. Such amendment would presumably change S. 2910 so that it would be similar to the Rayburn bill in the House, on which hearings will be conducted next week.

HEARINGS ON McFADDEN BILL BEGIN

Charges tbat national networks and broadcasting stations have discriminated against the International Bible Students were made by Congressman McFadden of Pennsylvania, and representatives of Judge Rutherford, at tbe bearings which commenced this week before tbe House Merchant Marine, Radio and Fisheries Committee, on the bill, H. R. 7986, introduced by McFadden.

It was alleged that the National Broadcasting Company and the Columbia Broadcasting System, as well as a number of individual stations, denied the use of their facilities to Judge Rutherford's organization, and particular reference was made to a broadcast scheduled for March 25. It was also charged that the Federal Radio Commission had exercised an influence over individual stations which led such stations to refuse the organization's programs.

The hearings were commenced on Thursday and continued on Friday. Further hearings will be held, beginning Monday, when it is expected that witnesses for proponents of the bill will complete their presentation of testimony.

Most of the questioning of witnesses by members of Judge Bland's committee was directed to matters relating to the teachings of Judge Rutherford, and much interest was indicated in the activities of the Commission in connection with the broadcasts.

The bill will be opposed by the NAB on the grounds that the bill is too vague and ambiguous; that it would substitute the deterrent of a criminal statute for the intelligence of management; that it would either promote controversies of all kinds, at the expense of general service to the public, or eliminate discussion of public questions entirely; and that it is unnecessary.

Representatives of the two national networks have also requested opportunity to appear and explain their policies with respect to religious programs.

COPELAND BILL REPORTED TO SENATE

The Copeland bill (S. 2800) was favorably reported to the Senate this week by the Senate Committee on Commerce. The bill, while slightly modified from the form reported by the subcommittee, does not contain some of the important amendments offered by the NAB. A number of bills to revise the food and drugs act are pending in the House but up to the present time no dates have been fixed for hearings. Whether or not the bill will be passed during the present session of Congress is still in doubt but it is generally

felt that the bill will receive Senate action within the next few weeks. So far the President has not thrown his support back of the measure.

COMMITTEE ORDERS RADIO BILL REPORTED

The House Committee on Merchant Marine, Radio and Fisheries ordered a favorable report this week on the bill to prohibit the broadcasting by Mexican stations of programs originating in the United States. The Committee ordered the report on the bill as it passed the Senate except for the Senate amendment. The amendment the House Committee left out was:

"That nothing in this section shall apply to the use of any studio, place, or apparatus in connection with any program which is broadcast simultaneously by a foreign radio station and by any radio broadcasting station licensed by the Federal Radio Commission."

RAYBURN POSTPONES HEARINGS ON BILL

The Rayburn bill (H. R. 8301) to create a Federal Communications Commission in line with the recommendations of President Roosevelt will be made the subject of hearings in the House in the near future. Hearings were originally planned for this week but due to the fact that the House Committee on Interstate and Domestic Commerce has been busy with the stock exchange regulation bill the hearings were postponed. Chairman Rayburn intends to begin hearings on his bill just as soon as the hearings now in progress are completed. The Rayburn bill does not repeal the Radio Act of 1927 and does not affect broadcasting except that the act would be administered by the new commission, the creation of which has the approval of the Federal Radio Commission.

NEW LIQUOR RADIO BILL

A bill has been introduced by Senator Capper of Kansas "prohibiting the advertising of intoxicating liquors through the medium of radio broadcast." The bill, which has been referred to the Senate Committee on Interstate Commerce, is as follows:

"That no advertisement of spirituous, vinous, malted, fermented, or other intoxicating liquors of any kind, or containing a solicitation of an order or orders for said liquors or any of them, shall be broadcast by any radio broadcasting station or any combination of such stations licensed under the Federal Radio Commission, if the said broadcast is capable of being received by any commercial radio receiving set at any place or point in any State or Territory in the United States in which it is by the laws in force in the State or Territory at the time unlawful to advertise or solicit orders for such liquors or any of them in such manner.

"SEC. 2. If the owner of any radio broadcasting station licensed by the Federal Radio Commission, or the agent of such owner, or if the dealer in any such liquors or his agent, shall knowingly broadcast, permit to be broadcast, or cause to be broadcast, anything in violation of the provisions of this Act, he shall be fined not more than $1,000 or imprisoned not more than six months, or both, and the license or permit granted by the Federal Radio Commission shall be suspended for a period of thirty days, and for any subsequent offense he shall be imprisoned for not more than one year. Any person violating any provision of this Act may be tried and punished either in the district in which the unlawful matter or publication was broadcast or in which the same was received."

PLAN VIGOROUS CODE ENFORCEMENT

Broadcasters who are not complying with the Code of Fair Competition for the Radio Broadcasting Industry are in for plenty of trouble. With the study of hours and wages for technicians out of the way, the Code Authority has made compliance with the trade practices section of the code its first order of business.

Members of the NAB are advised to give immediate attention to the publication of rate cards containing specific definitions of advertisers in cases where dual rates are provided.

The sale of broadcasting time in units at variance with those specified on rate cards will be carefully scrutinized to determine whether there has been an attempt to evade or frustrate the purposes and intentions of the code. For example, how can a broadcaster justify the sale of one and one-half hours at a rate less than is quoted for one hour?

It is recognized that this is a difficult task and the Code Authority is entitled to the assistance of the members of the broadcasters in bringing about compliance with the code. The opportunity at self-regulation provided by the code must not be ignored. It is the duty of every broadcaster to cooperate with the Code Authority in effecting compliance with the code and members who can furnish documentary evidence of violations should furnish such evidence to the Code Authority. It must be borne in mind that the provisions of the code, under the National Industrial Recovery Act, have the effect of law and that penalties are provided for their violation.

TECHNICIANS' EMPLOYMENT INCREASED 12 PER CENT

The Code Authority for the Radio Broadcasting Industry has filed Part One of its report on its study of the hours and wages of broadcast technicians with the NRA. The report shows that (a) employment of broadcast technicians has increased 11.9 per cent; (b) that the weekly hours of labor for broadcast technicians have been reduced 9.8 per cent; and (c) that the weekly payrolls for broadcast technicians have increased by 21.1 per cent.

CALIFORNIA STATION RECOMMENDATIONS

Station KROW, Oakland, Calif., applied to the Radio Commission for unlimited time, whereas it now shares time with KFWI; KQW, San Jose, Calif., asked that its power be increased from 500 watts to 1,000 watts LS; and KJBS, San Francisco, asked that its power be increased from 100 to 500 watts.

Ralph L. Walker (e.), in Report No. 541 this week, recommended that the application of KROW for unlimited time be granted and that the other two applications be denied.

The Examiner found that "there appears to be a greater need for transmitting facilities in Oakland than in San Francisco" and "the granting of the application of Station KROW will permit that station to render a desirable continuous service and at the same time overcome the inherent economic disadvantage of part-time operation."

It was found also that if the application of KJBS is granted it "will result in Station KROW being restricted to part time, leaving the remaining hours unused."

RECOMMENDATIONS IN DAKOTA CASES

Station KFDY, Brookings, S. Dak., applied to the Radio Commission for permission to change its frequency from 550 to 780 kilocycles. Station KFYR, Bismarck, N. Dak., operating on 550 kilocycles, applied for full time. In Report No. 540 this week, George H. Hill (e.) recommended that both of these requests be granted.

The Examiner states that both of the stations render a good service and that additional programs would be available to KFYR if the application is granted which would be "of considerable interest and importance to the area served." It was further found that the granting of both of the applications would be in the public interest.

INDEPENDENT NEWS BUREAU CREATED

A news service for radio stations was announced here this week by H. R. Daniel, president and general editor of the Continental Radio News Service, Inc., which has opened offices in Washington, D. C. The new company, formerly Advance News, Inc., announces the availability of a "legitimate news service for use by broadcasters."

ASCAP SUIT MAY BE REACHED SOON

Indications are that the dissolution suit brought against the American Society of Composers, Authors and Publishers by Station WIP of Philadelphia, Pa., in the U. S. District Court for the Southern District of New York will be heard during the spring term. The law firm of Baker, Hostetler, Sidlo and Paterson, representing the station, are now engaged in preparing the case for hearing.

PRALL STILL UNDECIDED ABOUT OATH

Congressman Anning S. Prall of New York, who has been confirmed as a member of the Federal Radio Commission from the First Zone, has not yet taken the oath of office. Whether or not the newly appointed Commissioner will take the place on the Commission vacated through the expiration of the term of former Commissioner W. D. L. Starbuck is still in doubt.

COMMERCIAL SECTION MEETING JUNE 17

The Commercial Section of the NAB will hold its third annual meeting in New York, between June 17 and 20, it was decided at a conference between Chairman Arthur B. Church, NAB Commercial Committee, and Philip G. Loucks, Managing Director of

the NAB, this week. The meeting will again be held as a part of the annual meeting of the Advertising Federation of America.

BBC HIT FOR CENSORSHIP OF SPEECH

The British Broadcasting Corporation was severely criticized by William Ferrie, young engineering worker, for censorship of his speech, it was reported on March 6 in a report in the New York Times.

Mr. Ferrie had been chosen to present the workingmen's viewpoint in a series of broadcasts on industrial England. He went before the microphone as scheduled, but to the dismay of the authorities he told his listeners:

"What I wanted to tell you has been so cut up and censored by the broadcasting corporation that it would be a travesty to give what is left. For this reason I have sent the talk I wanted to give to the press instead."

Then he calmly walked out of the studio, while the flustered announcer said that "owing to unfortunate circumstances" the talk would not be delivered.

Several newspapers published the uncensored talk today. It was a bitter protest against hard-working conditions and low pay in British factories and against overcrowded housing which was said to be driving the workers to despair.

Today the broadcasting corporation explained it had objected to "acrimonious references to militarism and militarists" which had been deleted as irrelevant. The authorities insisted, however, that they had submitted the censored version to Mr. Ferrie Saturday and he had made no protest.

ELECTRICAL TRANSCRIPTIONS MORE POPULAR

The past several weeks has seen important developments which lead to the conclusion that electrical transcriptions are growing in popularity both with advertisers and the radio audience.

Announcement was made on March 1 of the formation of Group Broadcasters, Inc., in New York, with John Shepard III, Boston, Mass., as president, and with Stations WNAC, WGR-WKBW, KYW, WSAI-WLW, WHK, CKLW, WDRC, KMBC, WOR, WIP, WEAN, KWK and WMT as members of the organization. The organization will offer to national and sectional advertisers a new major medium "which gives in one unit the most effective and intensive coverage of these markets (basic area) at a lower cost per thousand than any other medium," says the official announcement. The Scott Howe Bowen organization becomes the nucleus of this new group.

During the week the National Broadcasting Company announced a complete electrical transcription service—programming, recording, placing—for semi-national, spot, and sectional advertisers. The NBC Electrical Transcription Service is available to NBC associated stations.

These developments indicate an important step in the progress of electrical transcriptions and will go far to reach the vast amount of regional advertising which has not yet gained the full benefits of radio.

DILL ANSWERS CENSORSHIP CHARGE

The charge by Senator Schall, of Minnesota, that the creation of a Federal Communications Commission is a step to impose a censorship of all news by the Government was answered by Senator Dill, chairman of the Senate Committee on Interstate Commerce, on the floor of the Senate and over a national network. Senator Dill said that there is no attempt on the part of the Government to impose a censorship on communications and that he would vigorously fight any such move.

"I fear that Senate bill 2910, to provide for the regulation of interstate and foreign communication by wire or radio, is in harmony with the purpose to centralize authority for control of all press dispatches, all press associations, all transmissions of news, and create another Federal bureau to place all interstate communications under the censorship and secrecy ban of a Federal autocracy," Senator Schall told the Senate.

"Besides the press code, the radio code, and this bill providing for a new bureau of communications—the latest of about 57 bureaus, "corporations" and "administrations" of the new bureacracy—the administration has yet one other method for domination of the press.

"Thus the freedom of the American press under Article I of the Bill of Rights is not only to be hog tied by a press censorship code and hamstrung by a licensed radio and licensed control of interstate dispatches, but its financial existence is threatened by Federal ownership of the bank that has power to close down the newspaper," he said.

Answering the charge on the floor of the Senate, Senator Dill said he thought the Minnesota Senator was under a misapprehension.

"I simply desire to say that there is no foundation in theory or in fact for such an idea. There is nothing in any law on the statute books today that gives the Government any power whatsoever over the dissemination of news, or as to what messages shall go over the telegraph or the telephone wires," Senator Dill said.

"The radio law expressly prohibits any kind of censorship by the managers of radio stations. Radio stations are licensed to use certain frequencies in order to prevent interference. There is necessarily a limit to the number of radio stations that can operate. There is no limit to the number of newspapers that can be printed nor has it ever been suggested there should be such a limit.

"The bill which has been introduced by Representative Rayburn, Chairman of the House Committee on Interstate Commerce, and by myself, as Chairman of the Senate Committee on Interstate Commerce, simply writes into law the existing provisions relating to the control of the telephone and telegraph business now contained in the Interstate Commerce Act, and the provisions of the radio law as they relate to radio regulation now being enforced by the Federal Radio Commission. There are some few changes.

"I am sure it was never even in the thought of the President that anything should be done by the proposed communications commission, either now or in the future, that would in any way hamper or hinder anyone from sending anything he wants to send over the wires, or over the radio in the radio common carrier service, and I should be as strongly opposed to any such proposal as any man outside of this body, in the newspaper business or otherwise.

"The purpose of the proposed legislation is to make effective the power now written into the Interstate Commerce Act of control of telephone and telegraph business in this country. The Interstate Commerce Commission have been so busy regulating the railroads that they have not had time to give real consideration to the problems in connection with rate regulation of telephones and telegraph, and it is only in recent years that the communications business has been big enough to demand the attention of those who use it from the standpoint of getting rate regulation.

"So I want to make it clear that there is not only nothing in the proposed bill but there is no idea of putting anything in the proposed law that would ever, in any way, interfere with the freedom of the press or the freedom of anybody to send news anywhere, any time, by any means of communication."

DILL HITS ADVERTISING PRACTICES

Advertising practices of broadcasting stations were criticized by Senator Dill, of Washington, chairman of the Senate Committee on Interstate Commerce, in a radio address this week.

"Now let me discuss the difference between radio regulation and the regulation of telephone and telegraph companies. Radio regulation up to this time has consisted of the control of the allocation of the use of radio frequencies to different kinds of services. This is necessary to prevent interference. Congress created the radio commission in 1927. It has granted licenses for the wave lengths for broadcasting, for ship radio, for airplane radio, for police radio, for television radio, for amateur radio and for all kinds of experimental uses of radio. The commission has never had power to regulate rates for advertising or broadcasting or rates of any kind. Nor does this proposed law give the new commission power over advertising or broadcasting rates," Senator Dill said.

"It is my opinion, however, that unless radio station managers eliminate some of the objectionable advertising practices now prevalent, the protests and demands of radio listeners will eventually force Congress to give the commission complete control over both rates and advertising."

UNLICENSED STATION PROSECUTED

George B. Porter, Acting General Counsel of the Federal Radio Commission, announced this week that Judson Morris and J. A. Strauss, operators of unlicensed station near Lexington, Ky., using the call letters "WLKY", were sentenced to serve three months in jail by the Federal Court of Frankfort, Ky.

Mr. Porter expressed much gratification at the success of the Commission's campaign against unlicensed stations.

MORE RADIO SETS THAN TELEPHONES

It was brought out during the Senate hearing on the Dill bill that the number of telephones in current use is approximately 16,600,000. Latest figures on the number of radio-equipped homes places this number at approximately 17,950,000. It appears that there are more than one million more radio receiving sets in use than telephones.

SECURITIES ACT REGISTRATION

The following companies filed registration statements with the Federal Trade Commission under the Securities Act during the current week:

Mitten Bank Securities Corporation, Philadelphia, Pa. (2-710).

William F. Garcelon and Others, Boston, Mass. (2-711).

Sierra Mushroom Company, Adams County, Colo. (2-712).

Monitor Gold Mining Company, Amarillo, Texas (2-713).

Professional Indemnity Company, Milwaukee, Wis. (2-714).

First Champlain Producing Corporation, New York City (2-715).

Baby Service Corporation, Jersey City, N. J. (2-716).

Auto City Brewing Company, Hamtramek, Detroit, Mich. (2-717).

Milmac Mines, Ltd., Sault Ste. Marie, Ontario (2-718).

Jones Woodruff Oil Company, Inc., Toledo, Ohio (2-719).

Gas Generator Corporation of America, New York City (2-720).

Mammoth Oil Service Company, Denver, Colo. (2-721).

Amrein Manufacturing Company, St. Petersburg, Fla. (2-722).

Swayze-Huycke Gold Mines, Limited, Toronto, Canada (2-723).

American Automotive Corporation, Indianapolis, Ind. (2-724).

Wylie-Dominion Gold Mines, Ltd., Winnipeg, Canada (2-725).

Golden West Quartz Milling Company, Placer-Ville, Calif. (2-726).

George H. Nusloch and Others, New Orleans, La. (2-727).

Southwest Oil Royalties Corporation, Dallas, Texas (2-728).

American Products Company, Wausau, Wis. (2-729).

CANADIAN RADIO INDUSTRY SOUND

The situation in Canada's radio industry is believed to be brighter than at any time in the past two years, according to a report to the Commerce Department from Assistant Trade Commissioner A. F. Peterson, Ottawa.

This favorable status, the report points out, is partly due to the voluntary price agreement effected among principal Canadian manufacturers, and also because of substantial improvement in the inventory position as compared with the preceding year.

FEDERAL RADIO COMMISSION ACTION

HEARING CALENDAR

Monday, March 19, 1934

NEW—Julio M. Conesa, Ponce, Puerto Rico—C. P., **1420 kc.**, 100 watts, 250 watts specified hours.

Tuesday, March 20, 1934

NEW—Walter B. Stiles, Inc., Muskegon, Mich.—C. P., **1310 kc.**, 100 watts, unlimited time.

WKBZ—Karl L. Ashbacker, Ludington, Mich.—C. P., **1500 kc.**, 100 watts, unlimited time. Requests authority to move station to Muskegon, Mich.

Wednesday, March 21, 1934

Oral Argument Before Commission en banc

NEW—Herbert H. Fette, Meriden, Minn.—C. P., **1310 kc.**, 100 watts, daytime hours (facilities of KGDE).

KGDE—Charles L. Jaren, Fergus Falls, Minn.—Renewal of license, **1200 kc.**, 100 watts, 250 watts LS, unlimited time.

APPLICATIONS GRANTED

First Zone

WSVS—Seneca Vocational High School, Buffalo, N. Y.—Granted special temporary authority to remain silent March 29 to April 8, inclusive, for Easter vacation.

WGCP—May Radio Broadcasting Corp., Newark, N. J.—Granted modification of C. P. to extend commencement date to February 25, 1934, and completion date to June 15, 1934.

WNEW—Wodaam Corp., Newark, N. J.—Granted license covering consolidation of WODA and WAAM; installing new equipment and increasing daytime power from 1 KW to 2½ KW; **1250 kc.**, 1 KW night, shares with WGCP.

WAGM—Aroostook Broadcasting Corp., Presque Isle, Maine—Granted license covering local move of transmitter and making changes in equipment; **1420 kc.**, 100 watts, specified hours.

Second Zone

KYW—Westinghouse Electric and Manufacturing Co., Philadelphia, Pa.—Granted modification of C. P. to extend completion date from February 27, 1934, to October 27, 1934.

WPEN—Wm. Penn Broadcasting Co., Philadelphia, Pa.—Granted C. P. for auxiliary transmitter; **920 kc.**, 250 watts.

WRAX—WRAX Broadcasting Co., Philadelphia, Pa.—Granted C. P. for auxiliary purposes; **920 kc.**, 250 watts.

Third Zone

WGCM—Grace Jones Stewart, d/b Great Southern Land Co., Mississippi City, Miss.—Granted special temporary authority to operate from 5 to 6 p. m., CST, on March 25, to broadcast speech by Judge Rutherford.

WGST—Georgia School of Technology, Atlanta, Ga.—Granted license covering increase in power and changes in equipment; **890 kc.**, 250 watts night, 1 KW day.

KARK—Arkansas Radio and Equipment Co., Little Rock, Ark.—Granted license covering changes in equipment and moving transmitter locally; **890 kc.**, 250 watts, unlimited time.

Fourth Zone

WRHM—Minnesota Broadcasting Corp., Minneapolis, Minn.—Granted C. P. to move transmitter locally from near Fridley to Richfield, Minn.

WLBC—Donald A. Burton, Muncie, Ind.—Granted special temporary authority to operate simultaneously with WTRC from 5:46 to 6 p. m., CST, March 25th.

WTAX—WTAX, Inc., Springfield, Ill.—Granted C. P. to move transmitter and studio locally.

KFOR—Cornbelt Broadcasting Corp., Lincoln, Nebr.—Granted license covering changes in equipment and moving transmitter locally; **1210 kc.**, 100 watts night, 250 watts day, unlimited time.

KGBX—KGBX, Inc., Springfield, Mo.—Granted license covering changes in equipment; **1310 kc.**, 100 watts, specified hours.

KWTO—KGBX, Inc., Springfield, Mo.—Granted modification of license to increase power from 500 watts to 1 KW on **560 kc.**, daytime hours.

KWLC—Luther College, Decorah, Iowa—Granted special temporary authority to remain silent from March 24 to April 2, inclusive, during Easter holiday.

Fifth Zone

KERN—The Bee Bakersfield Broadcasting Co., Bakersfield, Calif.—Granted modification of license to change frequency from **1200 kc.** to **1370 kc.**

SPECIAL AUTHORIZATIONS

The following stations were granted special authorizations to operate as indicated:

WODX—W. G. Austin and W. O. Pape, Receivers, Mobile Broadcasting Corp., Mobile, Ala.—To operate simultaneously with WSFA from 7:45 to 9:30 p. m., CST, March 16, with 250 watts power.

WSFA—Montgomery Broadcasting Co., Inc., Montgomery, Ala.—To operate simultaneously with WODX, same hours and date as above; 250 watts.

WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—To operate from 8:45 to 10 p. m., EST, March 19 through 24, inclusive.

KVOA—Arizona Broadcasting Co., Inc., Tucson, Ariz.—To operate from 3 to 6 p. m., MST, March 25.

WBBX—Coliseum Place Baptist Church, New Orleans, La.—To operate on **1200 kc.**, 100 watts, sharing time equally with WJBW for a period beginning April 1 and ending pending decision on applications now pending affecting this station (WBBX), but not later than June 1, 1934.

WCAD—St. Lawrence University, Canton, N. Y.—To operate from 2:50 to 5:15 p. m., EST, May 6.

WJBK—Jas. F. Hopkins, Inc., Detroit, Mich.—To operate from 8 to 9 p. m., EST, on March 16, provided Station WIBM remains silent.

WSYB—Philip Weiss Music Co., Rutland, Vt.—To operate from 6 to 7:30 p. m., EST, on March 25.

WACO—Central Texas Broadcasting Co., Inc., Waco, Tex.—To operate from 7 to 8 a. m., CST, April 1.

ACTION ON EXAMINER'S REPORT

WEVD—Ex. Rept. No. 531: Debs Memorial Radio Fund, Inc., New York—Granted modification of license to increase power from 500 watts to 1 KW on **1300 kc.**, sharing with stations WBBR, WFAB, and WHAZ, reversing Examiner George H. Hill. (Order effective March 16, 1934, 3 a. m.)

WMCA—Ex. Rept. No. 535: Knickerbocker Broadcasting Co., New York City—Dismissed application for special authorization to use 500 watts additional power experimentally, sustaining Examiner George H. Hill.

WSYR—Central New York Broadcasting Corp., Syracuse, N. Y.—Denied application for C. P. to increase power from 250 to 500 watts and to operate unlimited time on **570 kc.**

ORAL ARGUMENT GRANTED

The Commission en banc will hear oral argument on April 18 in re Examiner's Report No. 537. In this case the Los Angeles Broadcasting Co., Inc. (Station KFAC), Los Angeles, seeks to operate unlimited time on **1300 kc.**, with 1 KW power, instead of half time.

MISCELLANEOUS

KFJZ—Fort Worth Broadcasters, Inc., Fort Worth, Tex.—Granted regular license in lieu of temporary license to expire July 1, 1934, since Henry Clay Allison, who applied for the facilities of this station defaulted his application by failure to file appearance. Case removed from Hearing Docket.

KLCN—Chas. Leo Lintzenich, Blytheville, Ark.—Granted regular renewal license dated from March 10. Station has now installed satisfactory equipment.

NEW—Western Pennsylvania Broadcasting Co., Greensburg, Pa.—C. P., **800 kc.**, 250 watts, daytime hours, heretofore set for hearing, was dismissed at request of applicants.

WHBD—F. P. Moler, Mt. Orab, Ohio—Granted regular renewal license to expire July 1, 1934, since M. L. Meyers, who applied for its facilities, defaulted by failure to file his appearance for hearing.

KGAR—Tucson Motor Service Co., Tucson, Ariz.—Granted regular renewal license to expire July 1, 1934, since application of KVOA for its facilities was dismissed at applicant's request.

KVOA—Arizona Broadcasting Co., Tucson, Ariz.—Granted regular renewal of license to expire July 1, 1934, since the application of KGAR for its facilities was dismissed at applicant's request.

WINS—American Radio News Corp., New York—Application for modification of license requesting facilities of WNYC, heretofore set for hearing, was dismissed at applicant's request.

KRSC—Radio Sales Corp., Seattle, Wash.—Application for modification of license, **1120 kc.**, 100 watts, daytime and 12 midnight to 4 a. m. daily, heretofore set for hearing, was dismissed at applicant's request.

SET FOR HEARING

WWVA—West Virginia Broadcasting Corp., Wheeling, W. Va.—C. P. to make changes in equipment and increase power from 5 KW to 10 KW.

WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.—C. P. to make changes in equipment and increase day power from 100 watts to 250 watts; also increase hours of operation from specified to unlimited.

RATIFICATIONS

KWCR—Cedar Rapids Broadcast Co., Cedar Rapids, Iowa—Granted special temporary authority to operate on **1430 kc.**, 250 watts, for a period ending at commencement of program tests, but not later than July 1.

WKBV—William O. Knox, d/b as Knox Battery & Electric Co., Richmond, Ind.—Granted special temporary authority to operate from 1:45 to 3:15 p. m., CST, March 16, and from 8:45 to 10 a. m. and 2:15 to 3:45 p. m., CST, March 17.

WGST—Georgia School of Technology, Atlanta, Ga.—Granted special temporary authority to operate with reduced daytime power of 500 watts for period of 10 days.

APPLICATIONS FILED

First Zone

WDRC—WDRC, Incorporated, Hartford, Conn.—Construction permit to make changes in equipment and increase power from 1 KW to 1 KW, 2½ KW LS.

WAAB—Bay State Broadcasting Corp., Boston, Mass.—Construction permit to move transmitter from Quincy, Mass., to Auburndale, Mass.; make changes in equipment; change frequency from **1410 kc.** to **640 kc.**; and increase power from 500 watts to 5 KW.

WABI—First Universalist Society of Bangor, Bangor, Maine—Voluntary assignment of license to Community Broadcasting Service.

Second Zone

WWSW—Walker and Downing Radio Corp., Pittsburgh, Pa.—Construction permit to change transmitter site, exact location to be determined; make changes in equipment; change frequency from **1500 kc.** to **890 kc.**; increase power from 100 watts, 250 watts LS, to 250 watts, 500 watts LS.

Third Zone

KTUL—J. T. Grffiin, Tulsa, Okla.—Voluntary assignment of license to Tulsa Broadcasting Co., Inc.

WNRA—Kathryn Jones, Muscle Shoals City, Ala.—Voluntary assignment of license to Muscle Shoals Broadcasting Corporation.

KBTM—W. J. Beard (Beard's Temple of Music), Jonesboro, Ark.—Modification of construction permit granted 11-21-33 to move transmitter and studio from Paragould, Ark., to Jonesboro, Ark., and install new automatic frequency control, for extension of completion date to 5-2-34.

WODX—W. G. Austin and W. O. Pape, Receivers, Mobile, Ala.—Voluntary assignment of license to W. G. Austin, Trustee.

WODX—W. G. Austin, Trustee, Mobile, Ala.—Voluntary assignment of license to Pape Broadcasting Corp., Inc.

WODX—Pape Broadcasting Corp., Inc., Mobile, Ala.—Construction premit to move transmitter and studio to 106 St. Joseph St., Mobile, Ala., and make changes in equipment.

WSFA—Montgomery Broadcasting Co., Montgomery, Ala.—Modification of license to change hours of operation from simultaneous day and share night with Station WODX to unlimited time, contingent upon the Commission granting authority to Station WODX to remove to and operate at another frequency.

Fourth Zone

KMBC—Midland Broadcasting Co., Kansas City, Mo.—Modification of construction permit granted 12-5-33 to move auxiliary transmitter to 50th St. and Belinder Rd., outside city limits, Kansas City, Kans., for extension of completion date to 5-5-34.

KSO—Iowa Broadcasting Co., Des Moines, Iowa—Modification of license to change frequency from **1370 kc.** to **1320 kc.**, and change power from 100 watts, 250 watts LS, to 250 watts.

KFGQ—Boone Biblical College, Boone, Iowa—Modification of license to change frequency from **1310 kc.** to **1370 kc.**

KFIZ—The Reporter Printing Co., Fond du Lac, Wis.—Modification of license to change frequency from **1420 kc.** to **1310 kc.**

WCFL—Chicago Federation of Labor, Chicago, Ill.—Modification of construction permit granted 5-27-32 to extend completion date to 9-1-34.

Fifth Zone

KFBL—Otto Leese and Robert Leese, d/b as Leese Bros., Everett, Wash.—Voluntary assignment of license to Lee E. Mudgett.

KVI—Puget Sound Broadcasting Co.., Inc., Tacoma, Wash.—Modification of license to increase power from 500 watts to 500 watts, 1 KW LS.

KGW—Oregonian Publishing Co., Portland, Ore.—Construction permit to increase power from 1 KW to 1 KW, 2½ KW LS, and make changes in equipment.

KFBK—James McClatchy Co., Sacramento, Calif.—Construction permit to move transmitter to about 4 miles west of center of Sacramento, exact location to be determined; make changes in equipment; change frequency from **1310 kc.** to **1490 kc.**; and increase power from 100 watts to 5 KW.

KGHF—Curtis P. Ritchie, Pueblo, Colo.—Construction permit to make changes in equipment and increase power from 250 watts, 500 watts LS, to 500 watts.

KQW—Pacific Agricultural Foundation, Ltd., San Jose, Calif.—Construction permit to move transmitter from San Jose, Calif, to Hunters Point on the Bay, San Francisco, Calif.

NEW—Montana Broadcasting Company, Freda Wessell, Secretary, Helena, Mont.—Construction permit to erect new station to operate on **1420 kc.**, 100 watts, and unlimited time.

APPLICATIONS RETURNED

NEW—Gino Amatucci, Latrobe, Pa.—Construction permit to erect a new station to operate on **730 kc.** with power of 6 watts, daytime. (Frequency, power, monitor and transmitter site.)

KGW—Oregonian Publishing Co., Portland, Ore.—Construction permit to increase power from 1 KW to 1 KW, 2½ KW LS, and make changes in equipment. Amended re geographical location. (Rule 6.)

NEW—W. L. Gleeson, Salinas, Calif.—Construction permit to erect new station to operate on **1210 kc.**, 100 watts, daytime; exact locations of transmitter and studio to be determined. (Rule 6, monitor, transmitter site, and date of application.)

NEW—F. N. Pierce of F. N. Pierce & Co., Taylor, Tex.—Construction permit to erect new station on **1380 kc.**, 100 watts, unlimited time. (Rule 6, frequency and power.)

WLBC—Donald A. Burton, Muncie, Ind.—License to cover construction permit granted 10-10-33 to make changes in equipment and increase power from 50 watts to 50 watts, 100 watts LS. (Sections 5, 7 and 8.)

KVL—KVL, Inc., Seattle, Wash.—Construction permit to move transmitter and studio locally. (Section 20, antenna and date of application.)

NEW—Jack Hawkins and Barney Hubbs, d/b as Pecos Broadcasting Co., Pecos, Tex.—Construction permit to erect new station to operate on **1380 kc.**, power of 100 watts, daytime. (Rules 5 and 6, frequency, power, and time.)

KFGQ—Boone Biblical College, Boone, Iowa—Modification of license to change hours of operation from specified hours to unlimited time. (Rule 6.)

The National Association of Broadcasters

NATIONAL PRESS BUILDING ★ ★ ★ ★ ★ WASHINGTON, D. C.

PHILIP G. LOUCKS, Managing Director

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A WORD OF WARNING

The Code of Fair Competition for the Radio Broadcasting Industry has been law since December 11, 1933. Every broadcaster has had adequate opportunity to study the code and put into full force and effect its provisions.

The Code Authority has embarked upon the compliance stage of its activities and every reported violation is being investigated. Court action will be taken if necessary to obtain compliance. Already more than a score of complaints have been received on trade practices.

Any code is as good or as bad as its enforcement. The broadcasters' code will be enforced or abandoned. While there is every disposition to be fair and just, the Code Authority really means business.

Every NAB member is warned of this enforcement campaign. You are urged to make a checkup in every department of your station and see to it that the code is being carefully observed.

The Code Authority intends to enforce the code and behind it in this effort stands the NAB.

McFADDEN BILL HEARINGS CLOSE

The House Merchant Marine, Radio and Fisheries Committee late Tuesday closed hearings on the McFadden bill (H. R. 7986) which would have compelled radio broadcasting stations to accept religious, charitable and educational programs of every description without discrimination under penalty of fine or imprisonment.

The only organization to appear in favor of the bill was the Rutherford organization which charged that the National Broadcasting Company and the Columbia Broadcasting System had denied Jevohah's Witnesses access to their facilities and that the Federal Radio Commission had used coercive means to bar their programs from individual stations. It took exactly three days for the proponents of the measure to complete their testimony before Judge Bland's committee.

Headed by the National Association of Broadcasters, opponents of the measure completed their testimony in one day and judging from the reactions of members of the Committee, the bill will probably receive unfavorable action.

Philip G. Loucks, NAB Managing Director, was the first witness in opposition to the measure. He stated that the bill "is too vague and ambigious; it would substitute the deterrent of a criminal statute for the intelligence of management; it would either promote controversies of all kinds at the expense of general program service or eliminate entirely discussions of all public questions; and it is unnecessary."

After reviewing the bill, section by section, and pointing out many defects in draftsmanship, Mr. Loucks said:

"If the intent of the bill were expressed in proper words. in so far as it applies to religious, charitable, educational and like organizations, the broadcaster would have the choice of lending his station to unending controversy and debate or refusing all religious, charitable or educational programs. If he were to accept the first program, he would be compelled to accept programs offered by all others holding views differing from those expressed in the first broadcast with the result that his service to the public would suffer. If he were to accept programs in which anyone said a good word in favor of charity, temperance, christianity or business honesty, if an organization or group of people anywhere existed who were opposed to such virtues, the broadcaster would be required to lend his station to such use no matter how clearly opposed to public policy the expression of such views are. And if he permitted such broadcasts, would the Government consider such programs in determining whether or not his station is operating in accordance with the legislative standard of 'public interest, convenience and necessity?'

"In other words, if a broadcaster embarks upon a series of religious, charitable or educational broadcasts, he must either accept all whose views differ from those expressed in the first broadcast or face criminal prosecution. If he accepts all and the later broadcasts are clearly against the public interest, he may lose his license and with it his entire business.

"American broadcasting is the best in the world. It has been developed to its present state on the basis of private ownership and competitive operation with limited Government regulation. No other system permits of a broader discussion of public questions. The Government can safely rely upon the intelligence of individual licensees to see to it that all questions in which the public has a proper interest are fairly and adequately discussed. A law such as is proposed here is unnecessary. There is no need to substitute the deterrent of a criminal statute for intelligent station management.

"I have spoken of the danger of loss of license if a broadcaster permits the broadcasting of speech which might be interpreted to be in violation of the licensing standard of 'public interest, convenience and necessity' contained in the radio law. In this connection I should like to quote from a decision of the Court of Appeals of the District of Columbia construing the meaning of the licensing standard. The court said:

" 'If it be considered that one in possession of a permit to broadcast in interstate commerce, may, without let or hindrance from any source, use these facilities, reaching out as they do, from one corner of the country to the other, to obstruct the administration of justice, offend the religious susceptibilities of thousands, inspire political distrust and civic discord, or offend youth and innocence by the free use of words of sexual immorality, and be answerable for slander only at the instance of the one offended, then this great science, instead of a boon, will become a scourge, and the nation a theater for the display of individual passions and the collision of personal interests. This is neither previous restraint, nor is it a whittling away of the rights guaranteed by the first amendment or an impairment of their free exercise.'

"We all want the greatest possible freedom from government interference with speech by radio. This freedom is an important part of the foundation upon which American broadcasting has been built. If this freedom stands in danger let me suggest that a remedy might be found in granting longer licenses to broadcasting stations and amending the present law to permit court review of facts in cases where licenses are not renewed by the licensing body. The Congress is now considering a bill to create a new Communications Commission and contained in that bill is a provision for a study of the entire communications problem by the proposed Commission. This study might well embrace the questions which have been brought out during this hearing."

Mr. Loucks was followed by Mr. M. H. Aylesworth, president of the National Broadcasting Company, who admitted that his company had barred Judge Rutherford from his network on the advice of the NBC Public Advisory Council. He explained in detail the policy of the NBC in accepting and rejecting religious and educational programs and in handling of political speeches.

"I am opposed to H. R. 7986 which is before this Committee for discussion," Mr. Aylesworth said. "The entire world recognizes the American system of radio broadcasting as the most liberal from the standpoint of freedom of the air and I believe that the provisions offered in this proposed legislation, regardless of how well intended, will serve to restrict rather than to liberalize and will severely limit rather than broaden the use of radio in religion, governmental and public affairs, education, and public information.

"In the light of what we know about radio, its extraordinary development and its future prospects, I am strongly of the opinion that it would he unwise for Congress to enact specific measures such as the present hill into permanent law at this time. Radio Broadcasting, more than any other form of communication, needs the more flexihle regulation which can only be given to it hy a Commission authorized to act under hroad powers.

"The President has recently called for a consolidation of the communications activities of the Interstate Commerce Commission and the Federal Radio Commission to the end that departments of a unified regulatory hody may deal with different forms of communication.

"I helieve that this new unified commission, through its radio hroadcasting division, will he in a hetter position to give consideration to prohlems such as we are discussing today and will he ahle to make sound recommendations to Congress for such specific amendments to statutes governing Radio Broadcasting as may be required in the light of the dovelopments of the Broadcasting Industry since the formation of the Federal Radio Commission."

Henry A. Bellows, vice president of the Columhia Broadcasting System, defended his company's action in denying Judge Rutherford time on his company's network and outlined to the committee his company's policy with respect to educational and religious hroadcasts. He demanded that broadcasters he given the right to select and reject programs in the puhlic interest, insisting that the exercise of this prerogative is not censorship. He explained that his company refused facilities to Father Coughlin, just as NBC had refused facilities to the Detroit priest, hecause it was Columbia's policy not to accept religious programs on a commercial basis. He denied that his company had exercised any influence on its stations with respect to Judge Rutherford's programs.

Mr. Bellows said that his company would not permit attacks on any religion in hroadcasts over CBS and that this rule had been carefully ohserved.

Henry L. Caravati, executive secretary of the National Council of Catholic Men, followed Mr. Bellows and stated that Judge Rutherford's hroadcasts had offended Catholics. He expressed it as his helief that one religious group should not he given use of radio facilities to attack other religious groups. He presented testimony tending to show that signatures on petitions filed in Congress hy Judge Rutherford were secured hy misrepresentation and misunderstanding.

Frank C. Goodman, executive secretary of the Federal Council of Churches of Christ in America, said he favored the policies adopted hy the major networks with respect to religious programs and criticised the addresses of Judge Rutherford for his unwarranted attacks upon the clergy. As did the previous witness, he opposed the hill hefore the committee.

Judge Eugene O. Sykes, chairman of the Federal Radio Commission, was the last witness to appear. He said the Commission was opposed to the bill and that in his judgment no such legislation was necessary. The hill, he said, is contrary to the way hroadcasting had grown up in the United States and was repugnant to the Radio Act of 1927. He praised the American plan of hroadcasting, saying that our programs are more diversified than those in other countries and suggested that the committee examine the report made hy the Commission in response to the Couzens resolution on this point. Passage of the McFadden hill would be the opening wedge to making hroadcasters common carriers.

Judge Sykes said the Commission, after receiving thousands of complaints, had initiated an investigation into two of Judge Rutherford's broadcasts. This investigation, he said, was made in the usual way and stations were requested to submit copies of the addresses. He said the Commission was of the opinion that the sermons contained ohjectionahle material hut took no action against the stations. Licenses have heen renewed since, he said.

COMMITTEE CONSIDERS DILL BILL

The Senate Committee on Interstate Commerce held executive sessions this week to consider the Dill bill (S. 2910) to create a Federal Communications Commission. Before the sessions were started, Senator White, of Maine, introduced in committee an amended hill which, he said, carried out exactly the desires of the President. The Dill hill includes new matter, and it was because of the inclusion of these new features that the NAB objected to the measure.

Following one of the meetings, Senator Dill stated that he would appoint a suh-committee of five to work out details of the hill to be reported. He said that hoth he and Senator White would he members of this suh-committee, but that the other memhers have not been decided upon. Senator Dill said that this sub-committee would not tear down the hill as originally introduced, hut that it would modify some of the measures relative to the new provisions.

During the week it was announced that Chairman Rayhurn, of the House Committee on Interstate and Foreign Commerce, will commence hearings on his bill during the first week in April. The Rayhurn bill (H. R. 8301) leaves the present law intact and will he supported hy the NAB.

Unless President Roosevelt spurs the Congress, it is doubtful if legislative action on the proposed communications commission hill can be finally passed by Congress hefore May 15, the tentative date set for adjournment.

BOARD MEETING BEING SCHEDULED

President McCosker announced this week that he would call a meeting of the Board of Directors either late in April or early in May. Due to the fact that Board meetings cost between $900 and $1,000 under the new Constitution and By-Laws, President McCosker said it was his desire to do everything possihle to conserve NAB funds and avoid all unnecessary meetings. Since the Code Authority has just completed its survey of technicians, and it is likely that revisions will he requested in the code, President McCosker said he felt the Board meeting should he held at such time when the code matter could be considered along with other routine business. Under the new Constitution and By-Laws the Executive Committee, consisting of President McCosker, Treasurer Levy and Managing Director Loucks, is empowered to act for the Board between meetings.

ACTION ON COURT CASES

The Court of Appeals of the District of Columbia this week acted on a number of petitions for stay orders in cases involving the Federal Radio Commission.

Broadcasting stations at Stockton, Cal., appealed to the Court against a decision of the Commission granting McTammany & Bates a construction permit for a new station at Modesto, Cal. Stay order was denied.

Lee J. O'Melian was granted a construction permit for a new station at Erie, Pa. Station WLBW, Erie, asked for stay order which has heen granted by the Court.

Stations KTM and KELW were assigned to the Evening Herald Puhlishing Company. The Don Lee Broadcasting System has been denied a rehearing on the stay order previously denied.

Station WOQ, Unity School of Christianity, has been denied a petition for rehearing hy the Court. The Commission took the station off the air and gave its time to KFH, and the decision was upheld by the Court. WOQ asked rehearing, now denied.

HOUSE COMMITTEE REPORTS BILL

Representative Bland of Virginia, chairman of the House Committee on Merchant Marine, Radio and Fisheries, on Friday favorahly reported out S. 2660, which has already passed the Senate.

This hill gives the Radio Commission power to prevent any person from having a studio or apparatus in the United States where radio programs are produced and sent to a foreign country and hroadcast hy a station in that country so that the program may he heard consistently in the United States.

The only change made in the bill as reported hy the House compared with the way that it passed the Senate, was to strike out the Senate amendment reading as follows:

"That nothing in this section shall apply to the use of any studio, place, or apparatus in connection with any program which is hroadcast simultaneously hy a foreign radio station and by any radio hroadcasting station licensed hy the Federal Radio Commission."

RECOMMENDS DENIAL NEW ERIE STATION

Joseph G. Mayer and Clarence R. Cummins applied to the Radio Commission for a construction of a new station at Erie, Pa., to use 1420 kilocycles, 100 watts power and unlimited time. Ralph L. Walker (e) this week, in Report No. 542, recommended that the application he denied. Joseph G. Mayer died before the Examiner made his report.

The Examiner states that "the applicant has failed to show the nature and character of the service which he proposes to render, a need for the service, the type of apparatus he proposes to use, that he is financially ahle to construct and operate the proposed station," etc.

ASKS COMMISSION REAFFIRM ITS DECISION

Station WDBJ, Roanoke, Va., asked for and received authority from the Commission for a power increase from 250 to 500 watts at night. Protest was filed by WMBG, Richmond, Va., but George H. Hill (e), in Report No. 543, this week recommends that the Commission reaffirm its previous decision.

The Examiner states that there is no evidence to support the protest that was not already known by the Commission when it allowed the increase in power and "there is no satisfactory showing made by the protestant that the granting of the application * * * would not serve public interest."

CODE AUTHORITY MAILS BULLETINS

The Code Authority for the Radio Broadcasting Industry has mailed Bulletins Nos. 3 and 4 to broadcasters. Bulletin 3 relates to rules and regulations governing the posting of labor provisions of codes, and Bulletin 4 relates to certain types of employes.

SECURITIES ACT REGISTRATION

The following companies filed registration statements with the Federal Trade Commission under the Securities Act during the current week:

Protective Committee of the Bondholders of the Duplex Envelope Company, Inc., Richmond, Va. (2-730).

Raritan Petroleum Corporation, Newark, N. J. (2-731).

Protective Recovery Committee, Integrity Building, Philadelphia, Pa. (2-732).

Rototiller, Inc., Long Island City, N. Y. (2-733).

Bondholders' Protective Committee relating to First Mortgage Leasehold Seven Per Cent Gold Bonds, dated February 1, 1923, of the Commodore Improvement Company, Cleveland, Ohio (2-734).

Independent Bondholders' Committee for Vicksburg Bridge and Terminal Company First Mortgage Six Per Cent Sinking Fund Gold Bonds, New York City (2-735).

Prommel Mining Company, Denver, Colo. 2-736).

Comstock-Dexter Mines, Inc., Prescott, Ariz. (2-737).

Bondholders Committee Deal Development Company, New York City (2-738).

Michigan-Chestnut Building Bondholders Committee, Chicago, Ill. (2-739).

Portland Paramount Property First Mortgage Bondholders' Committee, Portland, Ore. (2-740).

C. P. Moorman & Company, Louisville, Ky. (2-741).

Stockholders' Protective Committee for American Type Founders Company, New York City (2-742).

Protective Committee for Kentucky Traction & Terminal Company, Lexington, Ky. (2-743).

Keystone Custodian Funds, Inc., Philadelphia, Pa. (2-744).

Capitol Theatre Company Bondholders' Protective Committee, Cleveland, Ohio (2-745).

National Coal Distributing Corporation, Wilmington, Del. (2-746).

Nevada Bell Gold Mining Company, Reno, Nev. (2-747).

Hy-Grade Management Company, Inc., New York City (2-748).

Mengel Company, Louisville, Ky. (2-749).

RADIO COMMISSION TO MOVE AGAIN

For the steenth time during its short life the Federal Radio Commission will move its headquarters again. It will move this time from the building at 18th and E streets to the northwest corner of the new Post Office Department building. Arrangements at this time contemplate locating the Commission on the sixth, seventh and eighth floors of one portion of the new structure. It is now planned to move on or about May 1st.

ASKS REGULATIONS FOR SPEAKERS

A bill (H. B. 723) calling upon Stations WEAN, WJAR and WPRO "to make proper regulations relating to speakers and their subject matter so that radio listeners shall be informed concerning the title of the address and the name of the speaker presenting said address" has been introduced in the Rhode Island legislature by Representative Murphy. The bill has been referred to the Committee on Judiciary.

RADIO EMPLOYMENT

There were 27,725 employes in 34 radio manufacturing plants in January, a decrease of 17.2 per cent under December, but an increase of 114 per cent over January of last year, according to the Bureau of Labor Statistics.

The average weekly payrolls in these plants in January were $474,854, a decrease of 25.9 per cent from December, but an increase of 99.3 per cent over January of last year.

FEDERAL RADIO COMMISSION ACTION

HEARING CALENDAR

Thursday, March 29, 1934

WLBW—Broadcasters of Pennsylvania, Inc., Erie, Pa.—Modification of license, **1260 kc.**, 1 KW, unlimited time. Present assignment, **1260 kc.**, 500 watts night, 1 KW day, unlimited time.

NEW—Pittsburgh Radio Supply House, Greensburg, Pa.—C. P., **620 kc.**, 250 watts day. Daytime—7 a. m. to local sunset.

APPLICATIONS GRANTED

WCF (Aux.)—Chicago Federation of Labor, Chicago, Ill.—Granted C. P. for 250-watt composite auxiliary transmitter.

KGHI—Loyd Judd Co., Little Rock, Ark.—Granted license covering local move of transmitter and studio; **1200 kc.**, 100 watts night, 250 watts day, unlimited time.

WSOC—WSOC, Inc., Charlotte, N. C.—Granted license covering new equipment and increase in daytime power; **1210 kc.**, 100 watts night, 250 watts daytime; unlimited time.

KTUL—J. T. Griffin, Tulsa, Okla.—Granted consent to voluntary assignment of license to Tulsa Broadcasting Co., Inc.

WWVA—West Virginia Broadcasting Corp., Wheeling, W. Va.—Granted license covering auxiliary transmitter; **1160 kc.**, 250 watts, for emergency purposes only.

KLRA—Arkansas Broadcasting Co., Little Rock, Ark.—Granted modification of license to use auxiliary tube in conjunction with interlocking switch. Auxiliary tube and regular licensed output tube not to be used at same time.

WMBD—Peoria Broadcasting Co., Peoria, Ill.—Granted authority to install automatic frequency control.

WCFL—Chicago Federation of Labor, Chicago, Ill.—Granted modification of C. P. extending completion date to September 1, 1934.

KMBC (Aux.)—Midland Broadcasting Co., Kansas City, Mo.—Granted modification of C. P. to extend completion date from April 5 to May 5, 1934.

SPECIAL AUTHORIZATIONS

WJBK—James F. Hopkins, Inc., Detroit, Mich.—To operate from 8 to 9 p. m., EST, March 22, 23, 24, 26, 28 and 30, 1934, provided station WIBM remains silent.

WLVA—Lynchburg Broadcasting Corp., Lynchburg, Va.—Extended authority to operate station without approved frequency monitor for period March 22 to April 1.

KGGC—The Golden Gate Broadcasting Co., San Francisco, Calif.—To operate from 12:01 a. m. to 1 a. m., PST, May 12, 1934.

WNBO—John Brownlee Spriggs, Silver Haven, Pa.—To operate simultaneously with WHBC from 6:30 to 7 p. m., EST, March 25, in order to broadcast Judge Rutherford program.

WMBH—W. M. Robertson, Joplin, Mo.—To operate from 2:30 to 3:30 p. m., CST, April 1, 8, 15, 22 and 29; and from 9:30 to 10 p. m., CST, April 7, 14, 21 and 22.

WSUI—State University of Iowa, Iowa City, Iowa—To operate from 10 p. m. to 1 a. m., CST, April 6 and 27; from 10 p. m. to 12 midnight, CST, April 20; and from 5 to 6 p. m., CST, April 22.

KWWG—Frank P. Jackson, Brownsville, Texas—Extended temporary authority to remain silent for period beginning 3 a. m., EST, April 1, pending decision of Commission upon certain applications affecting the status of KWWG, but not later than June 1.

SET FOR HEARING

WLBF—WLBF Broadcasting Co., Kansas City, Kans.—Modification of license to change frequency from **1420 kc.** to **1310 kc.**

WFAS—Westchester Broadcasting Corp., White Plains, N. Y.—Special experimental authority to operate simultaneously with WJBI, sharing as in regular hours with WGBB and WGNY, commencing April 1, for period of 30 days.

WJBI—Monmouth Broadcasting Co., Red Bank, N. J.—Special experimental authority to operate simultaneously with WFAS, sharing as before with WGBB and WGNY, commencing April 1, for period of 30 days.

WHAD—Marquette University, Milwaukee, Wis.—Renewal of application set for hearing and temporary license granted, subject to such action as the Commission may take on pending application for renewal.

ACTION ON EXAMINERS' REPORTS

NEW—Ex. Rep. No. 479: Herman Radner, Lansing, Mich.—Denied application for new station at Lansing, Mich., to operate on **1210 kc.**, unlimited time, sustaining former Examiner Elmer W. Pratt. Order effective March 30, 1934.

NEW—Harold F. Gross, M. B. Keeler, and L. A. Versluis, d/b as Capital City Broadcasting Co.—Granted application for new station at Lansing, Mich., to operate on **1210 kc.**, unlimited time, sustaining former Examiner Elmer W. Pratt. Order effective March 30, 1934.

KGIR—Ex. Rep. No. 509: Granted application for modification of license changing frequency from **1360 kc. to 1340 kc.**, sustaining Examiner R. L. Walker. Order effective April 20, 1934.

NEW—Ex. Rep. No. 534: Herbert H. Fette, Meriden, Minn.—Denied application for C. P. for new station at Meriden, Minn., to operate on **1310 kc.**, 100 watts power during daytime, sustaining Examiner R. L. Walker. Order effective March 30, 1934.

KGDE—Chas. L. Jaren, Fergus Falls, Minn.—Granted renewal of license to operate on **1200 kc.**, 100 watts night, 250 watts LS, unlimited time, sustaining Examiner R. L. Walker. Order effective March 30, 1934.

NEW—Ex. Rep. No. 536: The State Journal Co., Lansing, Mich.—Denied C. P. for new station to operate on **1210 kc.**, 100 watts night, 250 watts LS, unlimited time, sustaining Examiner R. L. Walker.

KFPY—Ex. Rep. No. 507: Symons Broadcasting Co., Spokane, Wash.—Granted modification of license to change frequency from **1340 kc.** to **890 kc.**, using the same power, 1 KW, unlimited time, sustaining Examiner R. L. Walker. Order effective April 20 (Commissioner Lafount not voting).

KSEI—Radio Service Corp., Pocatello, Idaho—Denied modification of C. P. and modification of license to change frequency from **900 kc.** to **890 kc.**, sustaining Examiner Walker.

MISCELLANEOUS

Virgil V. Evans, Spartanburg, S. C.—Granted petition for restoration to docket of application defaulted on March 7. This applicant seeks C. P. to change frequency from **1420 kc.** to **920 kc.**, and to increase power from 100 watts night and 250 watts LS to 2½ KW daytime only.

WTMJ—The Journal Company, Milwaukee, Wis.—Special authority to operate **620 kc.**, 5 KW, unlimited time, from February 25 to March 20, heretofore set for hearing, was dismissed at request of applicants.

NEW—L. M. Kennett, Indianapolis, Ind.—C. P. for new station, **1530 kc.**, 1 KW, unlimited time, heretofore set for hearing, was dismissed at request of applicant.

APPLICATIONS RECEIVED

First Zone

WLEY—Albert S. Moffat, Lexington, Mass.—Construction permit to install new equipment.

WTAG—Worcester Telegram Publishing Co., Inc., Worcester, Mass.—License to cover construction permit granted 1-6-34 to increase power and make changes in equipment of auxiliary transmitter.

WEVD—Debs Memorial Radio Fund, Inc., New York, N. Y.—Modification of license to change time of operation from sharing with stations WBBR, WFAB and WHAZ to unlimited. Facilities of stations WBBC, WLTH, WARD and WVFW.

Second Zone

KYW—Westinghouse Electric & Mfg. Co., Philadelphia, Pa.—Modification of construction permit granted 10-27-33 to move transmitter to Joshua Road, Whitemarsh Township, Pa., and studio to exact location to be determined, Philadelphia, Pa., and make changes in equipment.

NEW—Clarion Broadcasting Co., Inc., Clarion, Pa.—Construction permit to erect new station to operate on **850 kc.**, 250 watts, daytime.

Third Zone

KRGV—KRGV, Inc., Harlingen, Tex.—Construction permit to move studio and transmitter from Harlingen, Texas to 100 South Mile 5½, Welasco, Texas.

KGKO—Wichita Falls Broadcasting Co., Wichita Falls, Tex.—Special experimental authorization to increase power from 250 watts, 500 watts LS, to 500 watts, 1 KW LS. Amended to change frequency from **570 kc.** to **1380 kc.**, and change time of special experimental authorization for period ending 9-1-34 instead of 3-1-34.

Fourth Zone

WLBC—Donald A. Burton, Muncie, Ind.—License to cover construction permit granted 10-10-33 to make changes in equipment and increase power from 50 watts to 50 watts, 100 watts LS. *Amended* to complete all Sections of application form.

KSOO—Sioux Falls Broadcast Association, Inc., Sioux Falls, S. Dak.—License to cover construction permit granted 1-23-34 to move transmitter and make changes in equipment.

WKBF—Indianapolis Broadcasting, Inc., Indianapolis, Ind.—Modification to increase hours of operation from 12 midnight to 2 a. m. *Amended* to request unlimited time. Facilities of station WBAA.

WDGY—Dr. George W. Young, Minneapolis, Minn.—Construction permit to increase power from 1 KW to 1 KW, 2½ KW LS; to make changes in equipment; and change time of operation from limited to unlimited.

WIBA—The Badger Broadcasting Co., Inc., Madison, Wis.—Extension of special experimental authorization to operate with additional power of 50 watts, night, for period ending 10-1-34.

Fifth Zone

NEW—Northern California Amusement Co., Inc., Yreka, Calif.—Construction permit to erect new station to operate on **1500 kc.**, power of 100 watts, and unlimited time.

KVL—KVL, Inc., Seattle, Wash.—Construction permit to move transmitter and studio locally. *Amended* to complete all sections.

NEW—Pioneer Mercantile Co., 307½ E. 21st St., Bakersfield, Calif.—C. P. for new experimental broadcasting station; **1550 kc.**, 1 KW, unlimited time.

APPLICATIONS RETURNED

NEW—Abraham Shapiro, Astoria, Ore.—Construction permit to erect a new station to operate on **1370 kc.**, power of 100 watts, unlimited time. (Rule 6.)

NEW—C. C. Morris, Ada, Okla.—Construction permit to erect a new station to operate on **1200** or **1210 kc.**, power of 100 watts, unlimited. (Rules 5 and 6, Sections 14 and 20.)

WGAR—The WGAR Broadcasting Co., Cleveland, Ohio—Modification of license to change frequency from **1450 kc.** to **1180 kc.**; facilities of stations WINS and WDGY. Ret. 3-10-34. (Rules 6 and 116.)

NEW—Harold J. Dunshee, Des Moines, Iowa—Construction permit to erect new station to operate on **1500 kc.**, power of 3 watts, S. H. and limited time. ((Rules 5 and 6; power, equipment, monitor, and Sections 20 and 24.

The National Association of Broadcasters

NATIONAL PRESS BUILDING ★ ★ ★ ★ ★ WASHINGTON, D. C.

PHILIP G. LOUCKS, Managing Director

NAB REPORTS

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OPERATORS STRIKE FOR 36-HOUR WEEK

Station WHB, Kansas City, Mo., was off the air for a period of seven hours on March 29 as a result of an operators' strike which followed a refusal of the management to accept a 36-hour work week with increases in pay up to $40.

The strike followed a meeting of the station's operators held shortly after the arrival in Kansas City of Thomas R. McLean, organizer for the IBEW, who has been active in organizing operators in other cities.

The station ceased operation at 10:30 a. m. when it was found that considerable damage had been done to both the control and transmitter apparatus. It required seven hours to repair the damage and get the station back on the air.

The station has been following the code provisions with respect to hours and wages for technicians.

The Federal Radio Commission was notified of the interruption of service and its cause, and it is likely that the station will ask that action be taken against the operators responsible for the damage to the apparatus under the provisions of section 5 of the Radio Act of 1927 which provides for the suspension of license of any operator who "has wilfully damaged or permitted radio apparatus to be damaged."

It was learned also that the management was investigating the state laws as to what redress or punishment is provided under the laws of the state.

NRA RECOMMENDS REDUCTION IN HOURS

A reduction from 48 to 36 hours for operators and from 40 to 30 hours for all other broadcasting station employees, with a 10 per cent increase in wages for all, was recommended in a letter addressed to the Code Authority for the Radio Broadcasting Industry by Deputy Administrator William P. Farnsworth. The recommendation was made by Division Administrator Sol A. Rosenblatt.

The communication requests the Code Authority to appoint a committee to consider the recommendations set forth therein and report at the earliest possible date.

The letter has been referred to the Code Authority by James W. Baldwin, executive officer of the Code Authority, who, in acknowledging its receipt, expressed his personal opinion that adoption of the proposals would destroy all small broadcasting stations.

"I do not hesitate to say that in my own opinion based on the recently completed study, the enforcement of your proposals to reduce the forty-hour week people to thirty hours, and to reduce those working more than forty-eight hours to thirty-six hours with a ten per cent increase in wages for all, would spell disaster for the Industry," he wrote. "Such a plan is inequitable and impracticable. It would utterly destroy all small broadcasting enterprises and would make it impossible for the larger broadcasting enterprises to recover from the reverses suffered during the depression years.

"You appreciate, I know, that the radio broadcasting industry has always extended its most willing cooperation to the NRA in its efforts to bring about industrial recovery. Already our industry has greatly increased the number of employees. We employ today a greater number of workers than ever before in the history of the industry. Moreover, we have submitted evidence of a substantial increase in weekly wages. I am sure you will agree that nothing should be done to jeopardize the financial stability of broadcasting stations and consequently the present employees.

"I am confident that if the NRA officials responsible for these recommendations can but find the time to study this matter thoroughly and give due consideration to the readjustments which have been required during the three months' operation of our Code, their own mature judgment will dictate a withdrawal of their recommendations."

Few industries have cooperated with the recovery program more willingly and effectively than the broadcasting industry. But, as Mr. Baldwin points out, the adoption of the proposals now offered would spell disaster to the industry. The issue must be met by the industry as a whole. The NAB's effectiveness will be measured not only by the loyalty of its members but by the willingness of non-members, who have long reaped the benefits of the Association's work without contributing to its support, to jump in and help. How about getting after non-members in your state?

SUBCOMMITTEE WORKING ON RADIO BILL

The subcommittee, appointed by Senator Dill, of Washington, chairman of the Senate Interstate Commerce Committee, which is working on the proposed new communications commission bill, has been holding executive conferences all week. It is reported that considerable progress has been made.

While members of the committee refuse to discuss the matter it is said that it has already decided that the proposed commission shall consist of five instead of seven members and that there shall be two divisions of the new commission, one devoted to broadcasting and the other to communications, including telephone, telegraph and cable. It is also reported that a number of controversial matters have been deleted from the bill by the subcommittee.

Senator Dill, who is chairman of the subcommittee, stated that he hoped the subcommittee would be able to report back to the full committee sometime early in April. Members of the subcommittee, in addition to Senator Dill, include Senators White, of Maine, Hatfield, of West Virginia, Thompson, of Nebraska, and Hatch, of New Mexico.

The House Committee on Interstate Commerce will begin its hearings on the Rayburn communications commission bill on April 10. Members of the committee have no idea just how long these hearings will continue. There is still considerable skepticism as to whether or not the communications commission bill will become law at this session. It depends entirely, it is believed, on how anxious the President is for this legislation. In other words, if he gets behind the bill it is likely to pass at this session of Congress, otherwise it probably will not.

WOULD EXTEND COPYRIGHT LAW

The Senate Committee on Foreign Relations last Wednesday opened hearings on the Cutting bill (S. 1928), which has as its purpose entrance of the United States into the International Copyright Union. The bill also would greatly amplify the rights of copyright to public performance for profit of all works, musical and literary.

Section 4 of the bill provides:

"The rights granted in section 1 of the said Act of 1909 shall include the exclusive right of the author to communicate his work for profit to the public by any system of broadcasting; and the author of any copyrighted work, even after the assignment of the copyright in such work, shall at all times have the right to oppose every distortion, mutilation, or other modification of the said work which might be prejudicial to his honor or to his reputation, as well as the right to restrain the publication and/or the performance of the mutilated work."

The NAB has requested an opportunity to appear before the committee and oppose any extension of copyright at this time since the subject is now in litigation and under investigation by the government.

CLEAR CHANNEL CASE DECIDED

The Federal Radio Commission on Friday of this week granted the applications of KTHS, Hot Springs Chamber of Commerce, Hot Springs, Ark., and WBAL, The Consolidated Gas, Electric

Light & Power Co., Baltimore, Md., to operate simultaneously on 1060 kilocycles, and the applications of WTIC, Travelers Broadcasting Service Corp., Hartford, Conn., and KRLD, KRLD Radio Corp., Dallas, Tex., to operate simultaneously on 1040 kilocycles. The grants are for a period of 90 days, effective April 29.

According to the terms of the experimental privileges granted, KTHS will use 1060 kilocycles, 10 kilowatts, from 6 a. m. to local sunset, at which time broadcasting will be suspended until 8 p. m., when it will be resumed and continue until 12 midnight. WBAL, with 10 kilowatts, will operate on 1060 kilocycles until local sunset at Hot Springs, and with unlimited time from local sunset until 9 p. m. EST, when WBAL will synchronize with WJZ on 760 kilocycles, using a power of 2½ kilowatts.

WTIC will operate with 50 kilowatts, and KRLD with 10 kilowatts, simultaneously on 1040 kilocycles, unlimited time.

WESG, Cornell University, a respondent in this case, will change its frequency from 1040 kilocycles, daytime hours, to 680 kilocycles, daytime hours, for 90 days. Another respondent station, WJAG, The Norfolk Daily News, Norfolk, Nebr., was granted a renewal license to operate with 1 kilowatt on 1060 kilocycles, limited time, for the regular period.

KWJJ, KWJJ Broadcast Co., Inc., Portland, Ore., another respondent, will change its frequency from 1060 kilocycles to 1040 kilocycles for the 90-day experimental period, and operate on this frequency with 500 watts, unlimited time.

A statement of facts and grounds for the Commission's decision to authorize the break-down of two clear channels will be forthcoming within the next fortnight.

Commissioner La Fount dissented in the above decisions, and, in explaining his dissenting vote, said:

"We have before us for consideration and decision applications for facilities inconsistent with the allocation of 1928 and existing rules and regulations of the Commission. The applicants in the cases here referred to were well aware of the Commission's rules and regulations at the time they filed their applications and desired to be heard regardless of the existence of such rules.

"It is not clear from the applications whether they believed it would be in the public interest to grant them special authority inconsistent with well established rules, or whether in their opinion the rule should be modified or abolished. Certainly no evidence or testimony was submitted on that subject. The cases were heard regardless of the fact that the applications were inconsistent with the Commission's plan of allocation. I, therefore, submit that before any action be taken upon these cases the Commission should decide whether or not the rule here involved should be continued, modified, or abolished, not as to any *particular* application but with reference to *all* stations generally, and that therefore, if and when the Commission revises its rules, it can consider whether the granting of a particular application before it would serve public interest, convenience and necessity."

MILWAUKEE SAW IT FIRST

On March 10 the NAB Reports quoted an article from the March 1 *Evening Telegram*, Superior, Wisconsin, which reported dismissal by Judge Patrick Stone in the United States District Court in that city, of an infringement suit brought by the American Society of Composers, Authors and Publishers against Sam Lurye, proprietor of the Ritz Cafe.

Now it appears that a month earlier another Federal judge in Wisconsin had taken similar action. A clipping from the Milwaukee, Wisconsin, *Journal*, of January 31, 1934, contains the following report:

"The suit of the American Society of Authors and Composers against William Fitzgerald, Appleton tavernkeeper, was dismissed in federal court Wednesday and costs assessed against the plaintiff by Judge F. A. Geiger. The court declared that he considered the suit a case of unwarranted litigation. The suit was brought under the copyright law. The society sought judgment of $250 against Fitzgerald for permitting an orchestra to play a popular melody without permission."

FIVE PER CENT TAX PROPOSED IN N. Y.

A tax of five per cent on gross receipts of broadcasting stations is provided in a bill introduced in the New York Senate (1520) by Senator Burchill. The bill is being opposed by the New York State Committee of Broadcasters.

The bill, in part, reads as follows:

"A tax of five per centum on the gross receipts is hereby imposed upon all moneys derived from radio broadcasting facilities or enterprises. Every person, firm, association or corporation engaged in conducting radio broadcasting facilities or enterprises in this state when the production, performance or program broadcasted is produced, performed or presented within the state, shall make a daily report at the close of each day's business to the department upon blanks provided by the department, of the gross receipts of the enterprise conducted by such person, firm, association or corporation. If the person, firm, association or corporation engaged in operating or conducting the radio broadcasting enterprise is engaged in conducting such enterprise permanently he or it may pay the tax herein imposed on or before the tenth day of the following month upon the gross receipts for the preceding calendar month. If such enterprise be of a temporary duration, the person, firm, association or corporation operating or conducting such enterprise shall include a remittance for the amount of the tax with the report for each day's business. Any person, firm, association or corporation may elect to make daily payments of the tax hereby imposed and in such event the taxpayer may deduct one per centum from the gross amount of such tax to cover the expenses incidental to filing the report. The tax hereby imposed shall be in addition to any other tax imposed upon such person, firm, association or corporation by any general or special law, or local law or ordinance or federal statute."

RADIO NEWS ORGANIZATIONS BUSY

In the face of improvement of the service by the Press-Radio Bureau, organized under the sponsorship of the press associations, publishers and networks, three radio news organizations have started operations.

Considerable improvement in the service of the Press-Radio Bureau and the creation of a San Francisco branch, in charge of Welland R. Gordon, former Los Angeles newspaper man, marked developments in the cooperative movement. The central committee is also considering opening of sub-bureaus at Chicago, Boston and New Orleans in an effort to cut toll costs to stations.

The three independent news organizations are the Radio News Association, Continental Radio News Service and the American Radio News Service, all offering news reports directly to stations. They claim a total of more than 75 stations are buying their services. Prime movers in the project were Carl Haverlin, KFI; Guy Earl, Jr., KNX, and Stanley Hubbard, KSTP.

Mr. Hubbard announced that the new organization is incorporated under the laws of the District of Columbia with himself as controlling shareholder and with the following officers: President, Herbert Moore, formerly with the United Press in London and later with the CBS News Service; vice president, Duncan Price, formerly with the A. P., who headed Radio News; second vice president, Charles Stewart, formerly with the U. P. and the CBS News Service.

Thirty stations are buying the service, according to Mr. Hubbard, paying rates that vary with their station rate cards. It is budgeted, he said, for $5,000 a week.

The Continental Radio News Service is headed by Harry R. Daniel, former newspaper man, headquarters in the Maryland Bldg., Washington, where he has a staff of five. Its New York office at 2 W. 45th St. is headed by F. G. Biguerie, formerly with the A. P., and in Chicago its correspondent is Edward D. Flynn.

Mr. Daniels said that in addition to the Yankee Network about 35 stations are being served with up to 3,500 words daily, sent out via teletype or overhead telegraph. One of the features of his service, Mr. Daniels said, is a daily mailed script of about 1,800 words titled "Washington Column of the Air," with background news, comment and human interest material.

American Radio News Service, with Arnold Kruckman at its head, headquarters in the Earle Bldg., Washington. The Washington staff includes Cecil Owen, formerly with the U. P., *Washington Herald* and CBS News Service, as news chief; Frank Connor, Jr., University of Wisconsin graduate, formerly with the CBS News Service; Thomas McNamara, formerly with Indiana newspapers and with the NBC publicity department in New York; Wallace Werble, formerly with CBS News Service; Grace Owen, rewrite, and Gus C. Owens, communications manager.

Negotiations are under way, Mr. Kruckman stated, to purchase an international news service to be added by April 1. Eleven stations, including two that are newspaper-owned, are buying the service, rates being based on local population.

Another service is reported to be forming, called the "Radio News Service of America, a subsidiary of the International Radio News Alliance." Its head is Ivan Johnson, formerly connected with another radio news-gathering venture on the Pacific coast.

Its stationery gives its headquarters as 260 E. 161st St., New York.

Mr. Johnson has applied to the Radio Commission for experimental short wave channels over which to broadcast news, and a hearing on his application has been set for April 11.

McFADDEN BILL PASSAGE DOUBTED

Passage of the McFadden bill (H. R. 7986) during the present session of Congress appears doubtful. The House Merchant Marine, Radio and Fisheries Committee has not considered the measure since hearings were concluded last week and it is doubtful if this committee will be able to take action on the bill inasmuch as it has now become engaged in hearings on marine legislation.

COPELAND BILL ON CALENDAR

The Copeland bill (S. 2800) to amend the food and drugs act has been reported by the Senate Committee on Commerce to the Senate and is now on the Senate calendar awaiting action. A memorandum containing suggested amendments was sent to all NAB members during the week and all are urged to give prompt consideration to the memorandum. No action on the bills to amend the food and drugs laws now pending in the House has been taken and no hearings have been slated.

RADIO EXTORTION BILL PASSED

With no discussion the Senate on Thursday passed the bill (S. 2249) applying the powers of the federal government, under the commerce clause of the Constitution, to extortion by means of telephone, telegraph, radio, oral message or otherwise. Earlier in the week the bill was favorably reported by Senator Stephens of Mississippi from the Senate Committee on the Judiciary. The bill as it passed the Senate is as follows:

"That whoever, with intent to extort from any person, firm, association, or corporation any money or other thing of value, shall transmit in interstate commerce, by telephone, telegraph, radio, or oral message, or by any other means whatsoever, any threat (1) to injure the person, property, or reputation of any person, or the reputation of a deceased person, or (2) to kidnap any person, or (3) to accuse any person of a crime, or (4) containing any demand or request for a ransom or reward for the release of any kidnaped person, shall upon conviction be punished by imprisonment for such term of years as the court, in its discretion, shall determine: *Provided,* That the term "interstate commerce" shall include communication from one State, Territory, or the District of Columbia to another State, Territory, or the District of Columbia."

The bill now goes to the House for action.

DELAWARE WOULD LICENSE STATIONS

A bill (H. B. 131X) which would require all broadcasting stations to acquire a state license and pay an annual license fee has been introduced in the Delaware legislature by Representative Minner.

The text of the bill follows:

"Section 2. Every person, firm, association or corporation operating or maintaining a radio broadcasting station in the State of Delaware shall pay a license fee to the State of Delaware in the sum of Five Hundred Dollars annually. No license shall be issued except upon application, which application shall set forth the name and address of the applicant, and if a corporation the names of the officers, directors and stockholders thereof; the name of the City or Town in which the business is to be conducted; the financial condition of the applicant, including a comprehensive financial statement of his affairs; and facts showing that the applicant has adequate technical personnel and adequate technical and physical facilities properly to conduct the business of radio broadcasting and such other facts as may be required by the Governor.

"Section 3. It shall be unlawful for any person licensed under the provisions of this Act to permit any profane, obscene, contemptuous or derogatory language to be broadcast upon the station owned or operated by such person.

"Section 4. Any person, firm, association or corporation or any agent or employee thereof violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction be sentenced to pay a fine of One Hundred Dollars. For second or subsequent convictions for violating this Act, a person may be imprisoned for a term of not less than thirty days or more than one year."

RECOMMENDATIONS ON PENNSYLVANIA STATIONS

Ralph L. Walker (e) this week, in his Examiner's Report No. 544, recommended that the application of WGAL, Lancaster, Pa., for unlimited time on 1500 kilocycles, be granted; that the application of WRAW, Reading, Pa., for unlimited time on 1310 kilocycles be granted; and that the application of WTEL, Philadelphia, Pa., be denied as in cases of default.

MERCHANDISING SURVEY UNDER WAY

Under the direction of Harry Howlett, WHK, Cleveland, Ohio, member of the NAB Commercial Committee, a survey of merchandising practices in the industry is being conducted. A questionnaire designed to carry out the suggestions developed at last year's meeting of the Commercial Section has been mailed to all NAB members and your cooperation is requested. Both large and small stations are asked to cooperate and the report, when completed, will be available to all NAB members.

COST ACCOUNTING COMMITTEE BUSY

The NAB Cost Accounting Committee, headed by H. K. Carpenter, WPTF, Raleigh, N. C., has commenced its work on the formulation of a uniform system of cost accounting for broadcasting stations. Emphasis upon this work is added by reason of a provision in the broadcasters' code which provides that a uniform system of accounts shall be developed. The committee will shortly begin the collection of information from NAB members which will become the basis of its work.

NAB MEETINGS IN PROSPECT

The meeting of the NAB Commercial Committee, which will be open to all members, will be held in New York during June. Arthur B. Church, KMBC, Kansas City, Mo., chairman of the committee, is at work on a program for the meeting.

The NAB Engineering Committee headed by Joe Chambers, WLW-WSAI, Cincinnati, will hold a meeting in Cincinnati on April 10 to consider the matters now before that committee. The committee also will consider the advisability of holding an open committee meeting at the time of the IRE convention in May.

PETTEY ON TRIP

Herbert L. Pettey, secretary of the Federal Radio Commission, left here this week for a trip to Oklahoma and Texas. Before he returns, sometime between April 10-15, he will appear before grand juries in both of those states relative to radio law violations.

DEPRECIATION RATES CONSIDERED

The following letter was sent to all NAB members this week by the Managing Director: "As you know the Bureau of Internal Revenue has had under consideration for some months the question of proper rates of depreciation for federal income tax purposes, applicable to equipment used in the business of broadcasting. The National Association of Broadcasters, through its tax committee, was afforded the opportunity of cooperating with the bureau in its study of this subject. The association immediately sought the advice of many leading engineers in the broadcasting industry, experts in their lines, and finally submitted a brief to the Bureau of Internal Revenue setting forth the views of the engineers that the life of broadcasting equipment for the average station should be four years, resulting in a depreciation rate of 25 per cent per annum.

"After studying the brief of the association, the Bureau of Internal Revenue reached the conclusion that it was not practicable to promulgate an official bulletin on depreciation rates for this industry, since there were so many different elements affecting different concerns engaged in the business. The bureau considered that each case should be decided on its individual merits and that a six-year life should be used as a starting point for all cases, and that if the facts in individual cases justified lower rates of depreciation, lower rates would be allowed on the basis of such facts.

"Upon the recommendations of the tax committee of the association, no further action will be taken on this subject at this time."

SECURITIES ACT REGISTRATION

The following companies filed registration statements with the Federal Trade Commission under the Securities Act during the current week:

Committee for the Protection of the Holders of First Mortgage 6¼ per cent Gold Bonds of Bay State Road Company, Inc. (The Sheraton), constituted under Deposit Agreement dated March 7, 1934, Boston, Mass. (2-750).

Lloyd & Casler, Inc., Industrial Building Bondholders' Committee, Los Angeles, Cal. (2-751).

Glen L. Martin Company, Baltimore, Md. (2-752).

Chestnut Hill Apartments First Mortgage Bondholders' Committee, constituted under Deposit Agreement dated August 21, 1931, Chicago, Ill. (2-753).

Frand E. Gernon and others, New York City (2-754).

Bol-Inca Mining Corporation, New York City (2-755).

Gachin Gold Syndicate, Toronto, Canada (2-756).

Gulf Coast Water Company, Bay City, Texas (2-757).

Palomar Hotel Corporation and Trustees of Palomar Hotel Corporation Voting Trust, San Francisco, Cal. (2-758).

Ball Lift Corporation, Akron, Ohio (2-759).

Clinton Distilleries Corp., Clinton, Mass. (2-760).

Llano Cooperative Oil Corp., Newllano, La. (2-761).

Cypress Abbey Company, San Francisco, Cal. (2-762).

California-New York Mining Company, Inc., Yreka, Cal. (2-763).

Trustees Estates, Inc., Baltimore, Md. (2-764).

Associated Originators, Inc., Boulder, Colo. (2-765).

Barstow Oil Company, Atascadero, Cal. (2-766).

Albert Lea Farms Bondholders' Protective Committee, Omaha, Nebr. (2-767).

T. A. Moynahan and J. R. Moynahan, Indianapolis, Ind. (2-768)

Evergales Club Company, Bondholders' Protective Committee, Toledo, Ohio (2-769).

RADIO SETS INCREASE

There are now 17,950,000 radio equipped homes in the United States, an increase of 1,140,000 over January, 1933, according to "Radio Retailing."

Motor car sets jumped from 143,000 in 1932 to 724,000. If the present public interest in "radio as we ride" continues, sales will easily surpass the million mark for 1934. Retail value of the auto sets sold last year was $28,600,000 or more than four times that of 1932.

WHAT LISTENERS PAY

A table of yearly license fees paid by listeners in foreign countries appears below:

Russia (multi-valve sets)	$14.12	France (valve sets)	$2.93
Esthonia (multi-valve sets)	10.93	Rumania (crystal sets)	2.72
Germany	9.18	Sweden	2.54
Yugoslavia	7.93	Belgium (valve sets)	2.55
Hungary	7.33	Great Britain	2.50
Italy	6.37	Esthonia (crystal sets)	2.43
Poland	6.33	Denmark	2.20
Latvia	6.12	Finland	2.18
Rumania (multi-valve sets)	5.43	Russia (crystal sets)	1.77
Bulgaria (multi-valve sets)	5.37	Lithuania (valve sets)	1.45
Czechoslovakia	5.29	France (crystal sets)	.89
Austria	5.18	Belgium (crystal sets)	.85
Norway	4.95	Lithuania (crystal sets)	.39
Bulgaria (crystal and one-valve sets)	3.22	Holland	No tax Voluntary contributions.
		Spain	No tax Sponsored programmes and voluntary contributions.

FEDERAL RADIO COMMISSION ACTION

HEARING CALENDAR

TUESDAY, APRIL 3, 1934

WJJD—WJJD, Inc., Chicago, Ill.—Modification of license, **1130 kc.,** 20 KW, limited time. (Requests authority to move studio to Chicago, Ill.) Present assignment, **1130 kc.,** 20 KW, limited time.

WEDNESDAY, APRIL 4, 1934

Hearing Before Commission en banc

Experimental

NEW—Unity School of Christianity, Kansas City, Mo.—C. P., **1530 kc.,** 1 KW, unlimited time.

NEW—John V. L. Hogan, Long Island City, N. Y.—C. P., **1550 kc.,** 1 KW, variable hours.

NEW—Fred W. Christian, Jr., and Raleigh W. Whiston, d/b as Christian & Whiston, Norco, Calif.—C. P., **1570 kc.,** 1 KW, unlimited time.

NEW—American-Republican, Inc., Waterbury, Conn.—C. P., **1530 kc.,** 1 KW, unlimited time.

NEW—First National Television, Inc., Kansas City, Mo.—C. P., **1530 kc.,** 1 KW, unlimited time.

APPLICATIONS GRANTED

First Zone

WINS—American Radio News Corp., New York—Granted special temporary authority to operate from 8:45 to 10:30 p. m., EST, April 7.

WFEA—New Hampshire Broadcasting Co., Manchester, N. H.—Granted 30-day extension of authority for additional time in which to make field survey and submit data on authority to change frequency to **1340 kc.**

WSYB—Philip Weiss Music Co., Rutland, Vt.—Granted special temporary authority to operate from 11 a. m. to 12 noon, EST, April 1, 8, 15, 22, and 29, 1934.

WHN—Marcus Loew Booking Agency, New York—Granted extension of special experimental authority to operate with 1 KW power from 1 a. m. to LS.

WSVS—Seneca Vocational High School, Buffalo, N. Y.—Granted special temporary authority to operate from 8:15 to 9 p. m., EST, April 9 and 16.

Second Zone

WJBK—Jas. F. Hopkins, Inc., Detroit, Mich.—Granted special temporary authority to operate from 8 to 9 p. m., EST, April 1, 3, 5, 7, and 9, provided station WIBM remains silent.

Third Zone

WDAH—Tri-State Broadcasting Co., Inc., El Paso, Tex.—Granted special temporary authority to use transmitter of KTSM for period of 30 days while transmitter of WDAH is being moved locally.

KWWG—Frank P. Jackson, Brownsville, Tex.—Granted renewal of license on a temporary basis subject to such action as the Commission may take on licensee's pending application for renewal.

KMLB—Liner's Broadcasting Station, Inc., Monroe, La.—Granted C. P. to make changes in equipment.

WBBZ—James F. Kyler, Ponca City, Okla.—Granted extension of temporary authority to operate station on **1200 kc.,** 100 watts, unlimited time, from April 1 to June 1, 1934, pending action by Commission on application for consent to involuntary assignment of license.

WWL—Loyola University, New Orleans, La.—Granted special experimental authority to operate after 12 midnight, CST, on night of March 31.

KTRH—KTRH Broadcasting Co., Houston, Tex.—Granted extension of special experimental authority to operate for 30 days with 250 watts night and 1 KW day, and set for hearing the application to operate with 500 watts night.

Fourth Zone

WSBT—The South Bend Tribune, South Bend, Ind.—Granted renewal of license on a temporary basis subject to such action as the Commission may take on licensee's pending application for renewal.

WIBA—The Badger Broadcasting Co., Inc., Madison, Wis.—Granted extension of special experimental authority to use additional 500 watts night for period of 30 days, and set application for hearing.

KFIZ—The Reporter Printing Co., Fond du Lac, Wis.—Granted special temporary authority to operate from 1 to 2:30 p. m., CST, March 28.

WEBQ—Harrisburg Broadcasting Co., Harrisburg, Ill.—Granted special temporary authority to operate station without approved frequency monitor for period of not more than 2 weeks.

Fifth Zone

KFQD—Anchorage Radio Club, Inc., Anchorage, Alaska—Extended license on temporary basis only, pending receipt and action on application for renewal; temporary license to be issued for term beginning March 27 and ending September 1, 1934.

KUMA—Albert H. Schermann, Yuma, Ariz.—Granted special temporary authority to operate from 2 to 4 p. m., MST, April 3.

KVL—KVL, Inc., Seattle, Wash.—Granted C. P. to move transmitter and studio locally.

KVOA—Arizona Broadcasting Co., Inc., Tucson, Ariz.—License extended on a temporary basis to May 1, 1934, pending receipt and/or action on application for renewal.

KROW—Educational Broadcasting Corp., Oakland, Calif.—Granted renewal of license on a temporary basis, subject to such action as the Commission may take on licensee's pending application for modification of license. Also granted extension of special temporary authority to operate unlimited time with 500 watts, subject to whatever decision the Commission may make upon any applications affecting the rights or interests of station KFWI or other applicants.

KFPY—Symons Broadcasting Co., Spokane, Wash.—Granted authority to make field intensity tests during daytime hours on frequency of **890 kc.**, 10 watts, for period of 20 days.

SET FOR HEARING

KSO—Iowa Broadcasting Co., Des Moines, Iowa—Modification of license to change frequency from **1370 kc.** to **1320 kc.**; increase power from 100 watts night, 250 watts LS, to 250 watts, unlimited hours.

KFGQ—Boone Biblical College, Boone, Iowa—Modification of license to change frequency from **1310 kc.** to **1370 kc.**

KFXD—Frank E. Hurt, Nampa, Idaho—Renewal of license set for hearing.

MISCELLANEOUS

KOL—Seattle Broadcasting Co., Seattle, Wash.—Application for C. P., **1270 kc.**, 1 KW, 2½ KW LS, unlimited time (facilities of KXA), heretofore set for hearing, were dismissed at request of applicants.

WJBK—Jas. F. Hopkins, Inc., Detroit, Mich.—Application for special experimental authority to operate on **1370 kc.**, 50 watts, unlimited time, heretofore set for hearing, was dismissed at request of applicants.

APPLICATIONS RECEIVED

First Zone

WMEX—The Northern Corporation, Chelsea, Mass.—Modification of construction permit granted 12-5-33 to erect new station for extension of completion date to 5-15-34.

NEW—Joseph Pappalardo, Methuen, Mass.—Construction permit to erect a new station to operate on **1120 kc.**, 500 watts, daytime.

WMAL (Aux.)—National Broadcasting Co., Inc., Washington, D. C.—Construction permit to install new equipment. (Auxiliary transmitter.)

WHN—Marcus Loew Booking Agency, New York, N. Y.—Extension of special experimental authorization to operate with power of 1 KW from 1 a. m. to local sunset and change equipment for period ending 4-30-34.

Second Zone

WKOK—Charles S. Blue, Sunbury, Pa.—Consent to voluntary assignment of license to Sunbury Broadcasting Corp.

WMPC—The First Methodist Protestant Church of Lapeer, Lapeer, Mich.—Modification of license to change frequency from **1500 kc.** to **1200 kc.**

WIBM—WIBM, Inc., Jackson, Mich.—Modification of license to change time of operation from specified hours to unlimited.

WJBK—James F. Hopkins, Inc., Detroit, Mich.—Modification of license to change frequency from **1370 kc.** to **1500 kc.**, and change time of operation from specified hours to unlimited.

Third Zone

KMLB—Liner's Broadcasting Station, Inc., Monroe, La.—Construction permit to install new equipment.

KOL—Seattle Broadcasting Co., Inc., Seattle, Wash.—Special experimental authorization to operate on **660 kc.** instead of **1270 kc.** for 6 months.

WJBO—Baton Rouge Broadcasting Co., Inc., Baton Rouge, La.—Modification of construction permit granted 12-22-33 to extend commencement date to 10-1-34 and completion date to 2-1-35.

NEW—D. J. Burton and L. C. Davis, Temple, Tex.—Construction permit to erect new station to operate on **990 kc.**, 200 watts, daytime. Amended to request 250 watts.

KOTN—William F. Chaplin, Pine Bluff, Ark.—Modification of construction permit granted 12-22-33 for approval of transmitter and studio location at Hotel Pines, Pine Bluff, Ark.

KOTN—William F. Chaplin, Pine Bluff, Ark.—License to cover construction permit granted 12-22-33 for a new station to operate on **1500 kc.**, power of 100 watts, daytime.

WPTF—WPTF Radio Co., Raleigh, N. C.—Modification of construction permit granted 6-9-33 to make changes in equipment.

NEW—C. C. Morris, Ada, Okla.—Construction permit to erect new station to operate on **1200 kc.**, with power of 100 watts, daytime. Amended to complete all sections.

WEED—William Avera Wynne, Greenville, N. C.—Construction permit to move transmitter to 528 S. Vyne Street and studio to Northeast Main Street, Rocky Mount, N. C.

WDBO—Orlando Broadcasting Co., Inc., Orlando, Fla.—Special experimental authorization to use power of 500 watts, 1 KW LS.

WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—Modification of license to change power from 500 watts to 500 watts, 1 KW LS, and change time of operation from limited to unlimited. Amended to omit request for change in power.

WRAM—Wilmington Radio Association, Inc., Wilmington, N. C.—Modification of construction permit to change corporate name to Durham Radio Corporation.

WSPA—Virgil V. Evans, trading as The Voice of South Carolina, Spartanburg, S. C.—Construction permit to move transmitter; change frequency from **1420 kc.** to **920 kc.**; change time from unlimited to day; increase power from 100 watts, 250 watts LS, to 2½ KW day. Amended to request day power of 1 KW and changes in equipment.

NEW—Richard Austin Dunlea, Wilmington, N. C.—Construction permit to erect a new station to operate on **1370 kc.**, power of 100 watts, daytime.

NEW—Charles Dixon Gentsch, Greensboro, N. C.—Construction permit to erect a new station to operate on **1440 kc.**, power of 500 watts, 1 KW LS, unlimited time, and facilities of Station WBIG.

KTRH—KTRH Broadcasting Company, Houston, Tex.—Extension of special experimental authorization to operate on **630 kc.**, with power of 500 watts, 1 KW LS, for period ending 10-1-34.

Fourth Zone

WRJN—Racine Broadcasting Corp., Racine, Wis.—License to cover construction permit granted 2-27-34 to make changes in equipment.

Fifth Zone

KPCB—Queen City Broadcasting Co., Seattle, Wash.—Construction permit to install new equipment, change frequency from **650 kc.** to **710 kc.**, increase power from 100 watts to 250 watts; and change time of operation from limited to unlimited.

KFOX—Nichols & Warrinner, Inc., Long Beach, Calif.—Authority to determine operating power by direct measurement of antenna power.

KOL—Seattle Broadcasting Co., Inc., Seattle, Wash.—Construction permit to move transmitter locally; increase power from 1 KW to 1 KW, 2½ KW LS; change frequency from **1270 kc.** to **660 kc.**; and install new equipment. (Facilities Station KGA.)

KPJM—M. B. Scott and E. C. Sturm, d/b as Scott & Sturm, Prescott, Ariz.—License to cover construction permit granted 12-19-33 to move transmitter and studio locally and make changes in equipment.

KEX—Oregonian Publishing Co., Portland, Ore.—Construction permit to move transmitter to Denver Ave., near Swift Road, North Portland, Ore., and install new equipment.

KPCB—Queen City Broadcasting Co., Seattle, Wash.—Special experimental authorization to operate on **710 kc.**, with power of 250 watts, unlimited time, for period ending 8-1-34.

KPCB—Queen City Broadcasting Co., Seattle, Wash.—Authorization to install automatic frequency control.

APPLICATIONS RETURNED

WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—Modification of license to change power from 500 watts to 500 watts, 1 KW LS, and time of operation from limited to unlimited. (Improper application form used.)

NEW—Anna Unger, Brooklyn, N. Y.—Construction permit to erect new station to operate on **1400 kc.**, power of 500 watts, shares with stations WVFW, WBBC, and WLTH. Facilities of WARD. (Incomplete.)

NEW—William R. Lowery, San Francisco, Calif.—Construction permit to erect a new station to operate on **930 kc.**, power of 500 watts, share with Station KROW. Facilities Station KFWI. (Incomplete.)

WRGA—Rome Broadcasting Corp., Rome, Ga.—Modification of license to change call from WFDV to WRGA. (Unnecessary.)

WRGA—Rome Broadcasting Corp., Rome, Ga.—Construction permit to move studio and transmitter locally. (Geographical location and signature.)

NEW—Frank M. King, Mobile, Ala.—Construction permit to erect new station to operate on **1380 kc.**, power of 500 watts, 1 KW LS, unlimited time, facilities Station WODX. (Request of applicant.)

The National Association of Broadcasters

NATIONAL PRESS BUILDING ★ ★ ★ ★ ★ WASHINGTON, D. C.

PHILIP G. LOUCKS, Managing Director

NAB REPORTS

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THE DILL BILL

The Dill Communications bill (S. 3285) as reported by the subcommittee of the Senate Committee on Interstate Commerce this week, has almost as many features directly injurious to broadcasting as were contained in S. 2910.

Basically, the bill persists, in flat defiance of the President's clear recommendation, in legislating *before* investigation by the proposed Commission instead of *after* such investigation.

It completely ignores the contention that the proposed Commission should be free to solve technical problems on the basis of technical evidence, and attempts to legislate on purely technical matters of allocation.

It specifically calls on the proposed Commission to "study" the question of having Congress set aside broadcast facilities for special interests.

It cuts down the duration of broadcasting licenses from three years, as in the present law, to one year.

It provides for the "suspension" of station licenses, thereby directly penalizing the listening public, which is entitled to hear a station if its operation is in the public interest, convenience or necessity. If its operation is not in the public interest, convenience or necessity, its license should be revoked.

It contains a section on political broadcasts the only possible effect of which would be to bar practically all discussion of public questions from the radio.

It includes a section designed to prevent the broadcast of United States programs by stations across the border, but leaves out the safeguarding amendment passed by the Senate itself only a few weeks ago.

It has an extraordinary section providing for appeals to the Court of Appeals of the District of Columbia from decisions of the proposed Commission, which makes no provision whatsoever for any appeal to this court from a decision revoking, suspending or modifying a license. Appeals to this court would be possible only when an application is refused or granted. All other proceedings would have to be conducted before a District Court under an entirely different act.

This division of the reviewing power is certain to result in conflicting decisions and consequent confusion.

It repeals the Radio Act of 1927, as amended, an action which at this time appears absolutely unnecessary and wholly at variance with the President's recommendation.

The enactment of this bill in its present form would be clearly disastrous to the entire broadcasting industry, and a manifest injustice to eighteen million owners of receiving sets.

Amendments to remedy the outstanding defects of this bill will be submitted. Every Senator should be advised to support these amendments, and to oppose the passage of S. 3285 unless they are adopted.

RAYBURN BILL HEARINGS

Unless something unforseen occurs, hearings will begin on Tuesday, April 10, before the House Committee on Interstate and Foreign Commerce in connection with the Rayburn Communication Commission bill. These hearings have been postponed several times to give the committee a chance to complte its work on other bills.

NEW RADIO BILLS

Identical bills "authorizing the purchase of additional land and the construction of an enclosure thereof, at the radio station near Grand Island, Nebr.", have been introduced in the Senate and House. Senator Thompson of Nebraska introduced S. 3277 and Representative Burke of Nebraska introduced H. R. 8932. The Senate bill went to the Committee on Interstate and Foreign Commerce and the House bill to Merchant Marine, Radio and Fisheries. The monitoring station of the Radio Commission is located at Grand Island. The bills, which are identical, are as follows:

"That the Federal Radio Commission be, and it is hereby, authorized to purchase, for and on behalf of the United States of America, an additional tract of land containing approximately ten acres, adjacent to that now owned by the United States at Grand Island, Nebraska, and to contract for the construction of a fence or enclosure thereof for use in connection with the constant-frequency monitoring radio station located at said place, at a cost not to exceed $1,200."

MANAGING DIRECTOR VACATIONING

Philip G. Loucks, NAB Managing Director, left early this morning on a hard-earned vacation. Mr. Loucks expects to return about April 18.

ANOTHER RADIO BILL INTRODUCED

Representative Rudd of New York has introduced a bill which is proposed to amend the Radio Act of 1927. It has been referred to the House Committee on Merchant Marine, Radio and Fisheries and is as follows:

"That to eliminate monopoly and to insure equality of opportunity and consideration for educational, religious, agricultural, labor, cooperative, and similar non-profit-making associations, seeking the opportunity of adding to the cultural and scientific knowledge of those who listen in on radio broadcasts, all existing licenses issued by the Federal Radio Commission, and any and all rights of any nature contained therein, are declared null and void ninety days following the effective date of this Act, anything contained in this Act to the contrary notwithstanding.

"Sec. 2. The Communications Commission, herein created, shall prior to ninety days following the effective date of this Act, reallocate all frequencies, wave lengths, power, and time assignments within its jurisdiction among the citizens of the five zones herein referred to.

"Sec. 3. The Commission shall reserve and allocate only to educational, religious, agricultural, labor, cooperative, and similar non-profit-making associations one fourth of all the radio-broadcasting facilities, within its jurisdiction, excepting those facilities issued to ships and to the use of the United States Government departments or agencies. The facilities reserved for and/or allocated to educational, religious, agricultural, labor, cooperative, and similar non-profit-making associations shall be equally desirable as those assigned to profit-making persons, firms, or corporations. In the distribution of radio facilities to the associations referred to in this section, the Commission shall reserve for and allocate to such associations such radio-broadcasting facilities as will reasonably make possible the operation of such stations on a self-sustaining basis."

CODE AUTHORITY MEETING SCHEDULED

A meeting of the Code Authority for the Radio Broadcasting Industry has been called for April 25, 1934, to be held at the National Press Club, Washington, D. C.

The meeting has been called (1) to consider and report on the recommendations of the NRA that the broadcasting industry effect a reduction in hours of labor and an increase in wages (as reported in the last issue of NAB Reports); (2) to consider Part 2 of the Report on Broadcast Technicians, as required by Article 6, Section 4, of the Code; (3) to consider further the questionnaire on

radio artists and performers; and (4) to consider complaints of alleged violations of trade practice provisions of the Code.

NEW COMMUNICATIONS REPORT

A preliminary report on communications companies has just been submitted to the House Committee on Interstate and Foreign Commerce. It was compiled by Mr. W. M. W. Splawn, now a member of the Interstate Commerce Commission.

The report in its present form has little to say relative to radio broadcasting except that "in the final report on radio companies, broadcasting companies will, to the extent that the nature of their operations permits, be given consideration similar to that given to radio communication companies."

SECURITIES ACT REGISTRATION

The following companies filed registration statements with the Federal Trade Commission under the Securities Act during the current week:

Peerless Portland Cement Company Bondholders' Protective Committee, Chicago, Ill. (2-770).

Best Drug Stores, Inc., Los Angeles, Cal. (2-771).

Austin Silver Mining Company, Austin, Nev. (2-772).

Dodge Cork Company, Inc., Lancaster, Pa. (2-773).

Washington-Carey Trust, Tulsa, Okla. (2-774).

Westgate-Carey Trust, Tulsa, Okla. (2-775).

Greenback Consolidated, Portland, Ore. (2-776).

Hilldale Fur Ranches, Montreal, Canada (2-777).

Parker-Wolverine Company, Detroit, Mich. (2-778).

Johnston Plan Collateral Trust, Wilmington, Del. (2-779).

Duquesne Brewing Company of Pittsburgh, Pittsburgh, Pa. (2-780).

San Jose Water Works, San Jose, Calif. (2-781).

Electric Auto-Lite Company, Toledo, Ohio (2-782).

Lockheed Aircraft Corporation, Burbank, Calif. (2-783).

Bell Boy Gold Mining Company, Wallace, Idaho (2-784).

Gold Seal Electrical Company, Inc., East Newark, N. J. (2-785).

Franklin Mutual Fund, Inc., Boston, Mass. (2-786).

Boundary County Drainage Districts Bondholders' Protective Committee, Boise, Idaho (2-787).

Maurice C. Perkins, and others, Saginaw, Mich. (2-788).

Noteholders' Protective Committee, Richmond, Va. (2-789).

HOGAN TO DEMONSTRATE FASCIMILE

John V. L. Hogan, New York consulting engineer, will demonstrate fascimile transmission and reception before a selected group of observers at the St. Moritz Hotel, New York, April 9, 1934.

EXPERIMENTAL BROADCAST HEARING HELD

The Federal Radio Commission on Wednesday of this week conducted a hearing on 6 applications for construction permits for new broadcasting stations to operate on the experimental frequencies of 1530, 1550 and 1570 kilocycles.

The applicants (Unity School of Christianity, Kansas City, Mo., John V. L. Hogan, Long Island City, N. Y., Christian and Whiston, Norco, Calif., American-Republican, Inc., Waterbury, Conn., First National Television, Inc,, Kansas City, Mo., and Pioneer Mercantile Corp., Bakersfield, Calif.) propose to erect new stations which will provide a practical evaluation of public reaction to high-fidelity broadcasting, and in each case outlined programs of research on the technical problems encountered in the rendering of true high-fidelity broadcasting service.

AAAA CONVENTION DATE SET

The seventeenth annual meeting of the American Association of Advertising Agencies will be held on Tuesday and Wednesday, May 22 and 23, at the Mayflower Hotel, Washington, D. C.

FRC ON ALL-WAVE RECEIVERS

In view of the ever-increasing sales of combination broadcast and shortwave radio receiving sets to the public, the Federal Radio Commission this week issued a statement calling attntion to the provisions in the Radio Act of 1927, regarding the secrecy of certain radio messages and the heavy penalties provided for violations.

Section 27 of the Radio Act of 1927 provides that contents of private messages shall not be divulged, and Section 33 of the same Act provides heavy penalties for violations of the secrecy clause.

Reports reaching the Commission indicate that the public is increasingly intercepting police and other shortwave communications. Only in rare instances, it is believed, is this information abused. However, it was brought to the attention of the Commission that a young man in Baltimore intercepted a police call on a shortwave receiver in his home and notified law violators that officers were coming to arrest them. The young man himself was taken into custody and found guilty in a police court for violating police regulations.

Congress has given serious consideration to a bill providing that "no person shall use, operate or possess, in any vehicle within the United States, or any place subject to the jurisdiction thereof, any shortwave radio receiving set without a permit."

Provision is made for permits to be issued by District Attorneys, to applicants, who must furnish two affidavits executed by bona fide residents of their districts, vouching for the good moral character of the applicants.

Police officials in some cities are in favor of such legislation as they claim their work in apprehending criminals and in protecting law-abiding citizens, in some instances, has been interfered with by persons who intercepted messages intended solely for the police.

However, the Commission is hopeful that no such legislation will be necessary as it would have a tendency to hinder experimental work in the shortwave field.

George B. Porter, acting general counsel, says that if any serious abuse is made by the general public of private radio messages vigorous steps will be taken to invoke the law.

In order that the public may be fully informed concerning the protection thrown around private radio messages, the Commission suggests that each purchaser of a combination broadcast and shortwave receiver be furnished by the salesman with the excerpts of the Radio Act concerning the secrecy of radio messages and the penalty for violations.

FEDERAL RADIO COMMISSION ACTION

HEARING CALENDAR

TUESDAY, APRIL 10, 1934

NEW—Pittsburgh Radio Supply House, Greensburg, Pa.—C. P., **620 kc.**, 250 watts, 7 a. m. to LS.

WEDNESDAY, APRIL 11, 1934

Hearing Before Commission en banc

Informal hearing on petition of Radio News Service of America for modification of Rule 232 of the Commission Rules and Regulations.

THURSDAY, APRIL 12, 1934

WGES—Oak Leaves Broadcasting Station, Inc., Chicago, Ill.—Modification of license, **1360 kc.**, 500 watts, 1 KW LS, unlimited time (facilities of WCBD). Present assignment: **1360 kc.**, 500 watts, 1 KW LS (Sunday) 3/7 time.

WCBD—Wilbur Glenn Voliva, Zion, Ill.—Renewal of license, **1080 kc.**, 5 KW, limited time.

WGES—Oak Leaves Broadcasting Station, Inc., Chicago, Ill.—Informal application for unlimited time, **1360 kc.**, 500 watts, 1 KW LS.

FRIDAY, APRIL 13, 1934

NEW—A. V. Tidmore, Salisbury, Md.—C. P., **1200 kc.**, 100 watts, daytime only.

APPLICATIONS GRANTED

WTAG—Worcester Telegram Publishing Co., Inc., Worcester, Mass.—Granted license covering changes in equipment and

increase in power; **580 kc.**, 250 watts, for auxiliary purposes only.

WHBU—Anderson Broadcasting Corp., Anderson, Ind.—Granted license covering rebuilding of station destroyed by fire; **1210 kc.**, 100 watts, unlimited time.

WRJN—Racine Broadcasting Corp., Racine, Wis.—Granted license covering changes in equipment; **1370 kc.**, 100 watts, unlimited time.

WNRA—Kathryn Jones, Muscle Shoals City, Ala.—Granted consent to voluntary assignment of license to Muscle Shoals Broadcasting Corp.

KUSD—University of South Dakota, Vermillion, S. Dak.—Granted special temporary authority to remain silent on April 5, 6, 7, 8 and 9, 1934, during spring vacation.

WQBC—Delta Broadcasting Co., Inc., Vicksburg, Miss.—Granted special temporary authority to operate from 6:30 to 7:15 p. m., CST, from April 8 to April 30, 1934.

WTAG—Worcester Telegram Publishing Co., Inc., Worcester, Mass.—Granted special temporary authority to operate auxiliary transmitter with power of 250 watts for period beginning April 15 and ending in no event later than May 1, in order to move main transmitter as authorized by C. P.

KSCJ—Perkins Bros. Co. (The Sioux City Journal), Sioux City, Iowa—Granted special temporary authority to operate from 7 to 8 p. m., CST, April 4, provided WTAQ remains silent.

KEX—Oregonian Publishing Co.. Portland, Ore.—Granted C. P. to move transmitter from Portland to North Portland, and install new equipment.

KRMD—Radio Station KRMD, Inc., Shreveport, La.—Granted special temporary authority to operate from 7:30 to 9 p. m., CST, April 8, 15, 22 and 29, 1934.

WSFA—Montgomery Broadcasting Co., Inc., Montgomery, Ala.—Granted C. P. to make changes in equipment and move transmitter locally.

WODX—Pape Broadcasting Corp., Inc., Mobile, Ala.—Granted C. P. to make changes in equipment and move transmitter from Springhill, Ala., to Mobile, and move studio to same as new transmitter location.

KGCR—The Greater Kampeska Radio Corp., Watertown, S. Dak.—Granted C. P. to change transmitter locally in Watertown.

KBTM—W. J. Beard (Beard's Temple of Music), Jonesboro, Ark.—Granted modification of C. P. extending completion date to May 2, and change studio location in Jonesboro.

WRAM—Wilmington Radio Assn., Inc., W. Durham, N. C.—Granted modification of C. P. to change corporate name to Durham Radio Corp.

WSUI—State University of Iowa, Iowa City, Iowa—Granted special temporary authority to operate from 4 to 6 p. m., CST, April 13 and 24, 1934, and from 5 to 6 p. m., CST,, April 14 and 28.

WMEX—The Northern Corp., Chelsea, Mass.—Granted modification of C. P. to extend completion date to May 15.

SET FOR HEARING

WEVD—Debs Memorial Radio Fund, Inc., New York—Modification of license to change hours of operation from sharing with WBBR, WFAB, and WHAZ to unlimited (facilities of WBBC, WLTH, WARD, and WVFW).

WWSW—Walker & Downing Radio Corp., Pittsburgh, Pa.—CP to change frequency from **1500** to **890 kc.**; increase power from 100 watts night, 250 watts day, to 250 watts night, 500 watts day; make changes in equipment and move transmitter locally (facilities WMMN).

WPFB—Otis Perry Eure, Hattiesburg, Miss.—C. P. to move transmitter and studio from Hattiesburg, Miss., to Troy, Ala.; change frequency from **1370 kc.** to **1210 kc.**, and change hours of operation from specified hours to daytime.

KGW—Oregonian Publishing Co., Portland, Ore.—C. P. to change studio locally, make changes in equipment, and increase day power from 1 KW to 2½ KW (night power, 1 KW, to remain same, and **620 kc.** same; unlimited hours).

KVI—Puget Sound Broadcasting Co., Inc., Tacoma, Wash.—Modification of license to increase day power from 500 watts to 1 KW (night power, 500 watts, **570 kc.**, unlimited hours to remain same).

ORAL ARGUMENT GRANTED

The Commission en banc will hear oral arguments on April 18 in re Examiner's Report No. 539, which deals with the applications of stations WARD, WBBC, WLTH, WVFW (formerly WFOX), all of Brooklyn, N. Y., for modification of license and renewal of licenses.

MISCELLANEOUS

KFNF—Henry Field Co., Shenandoah, Iowa—Granted regular license, and hearing scheduled for April 13, 1934, cancelled, as licensee has corrected complaints.

WKBO—Keystone Broadcasting Corp., Harrisburg, Pa.—C. P. to move transmitter and studio locally and make changes in equipment, heretofore granted, was retired to closed file for want of prosecution.

KOIL—Mona Motor Oil Co., Council Bluffs, Iowa—Granted regular renewal of license as company has amended charter empowering it to engage in radio broadcasting business.

WODX—Mobile Broadcasting Corp., Mobile, Ala.—Examiner ordered to render report on application for modification of license, substituting the name of Pape Broadcasting Corp., as Commission previously granted permission of receivers to assign license to that corporation. Report held up by legal complications, which have been removed.

APPLICATIONS RECEIVED

First Zone

WBNX—Standard Cahill Co., New York, N. Y.—Special experimental authorization to operate with an additional 250 watts power for 60 days.

NEW—Federal Broadcasting Corp., New York, N. Y.—Construction permit to erect a new station—**810 kc.**, 500 watts, limited time (facilities of WNYC, New York).

WBAL—Consolidated Gas Electric Light and Power Co. of Baltimore, Baltimore, Md.—Voluntary assignment of license to The WBAL Broadcasting Company.

WNBX—WNBX Broadcasting Corp., Springfield, Vt.—Construction permit to install new equipment and increase power from 250 watts to 500 watts.

WPRO—Cherry and Webb Broadcasting Co., Providence, R. I.—Modification of special experimental authorization to operate on **630 kc.**, power of 250 watts, and make changes in equipment for approval of exact transmitter site at Providence, R. I.

Second Zone

WCAE (Aux.)—WCAE, Inc., Pittsburgh, Pa.—License to cover construction permit granted 2-9-34 to change auxiliary transmitter location.

Third Zone

KLRA—Arkansas Broadcasting Co., Little Rock, Ark.—Construction permit to install new equipment and increase power from 1 KW to 1 KW night, 2½ KW daytime.

WHEF—J. Niles Boyd Wholesale Grocery Co., J. O. Ashworth, J. R. Smithson, d/b as Attala Milling and Produce Co., Kosciusko, Miss.—Voluntary assignment of construction permit Station WHEF to Attala Broadcasting Corporation.

NEW—A. L. Boykin, trading as Tallahassee Broadcasting Co., Tallahassee, Fla.—Construction permit to erect a new station—**1310 kc.**, 100 watts, unlimited time.

WTOC—Savannah Broadcasting Co., Inc., Savannah, Ga.—Construction permit to install new equipment and increase power from 500 watts to 1 KW.

KRGV—KRGV, Inc., Harlingen, Tex.—Construction permit to move station from Harlingen, Tex., to Weslaco, Tex., amended to make changes in equipment.

Fourth Zone

KSTP—National Battery Broadcasting Co., St. Paul, Minn.—Extension of special experimental authorization to operate with an additional 15 kilowatts during daytime, for 6 months' period beginning May 1, 1934.

WJBC—Wayne Hummer and H. J. Dee, d/b as Kaskaskia Broadcasting Co., La Salle, Ill.—Construction permit to move station from La Salle, Ill., to Bloomington, Ill., amended to change transmitter location to Normal, Ill.

WGN—WGN, Inc., Chicago, Ill.—License to cover construction permit granted 11-17-33 to make changes in equipment and increase power.

KSTP—National Battery Broadcasting Co., St. Paul, Minn.—Modification of license to increase power from 10 KW to 25 KW.

WMAQ—National Broadcasting Co., Inc., Chicago, Ill.—Construction permit to install new 50-KW transmitter at 3.5 miles south of Downer's Grove, and increase power to 50 KW. Amended to move transmitter to Bloomingdale Road and Old Army Trail, near Addison, Ill. (Bloomingdale Township).

Fifth Zone

KUMA—Albert H. Schermann, Yuma, Ariz.—Voluntary assignment of license to E. B. Sturdivant.

NEW—Abraham Shapiro, Astoria, Ore.—Construction permit to erect a new station—**1370 kc.,** 100 watts, unlimited time.

KPCB—Queen City Broadcasting Co., Seattle, Wash.—Construction permit to install new equipment and increase power from 100 watts to 250 watts and change time of operation from limited to unlimited. Amended to omit request to change frequency and time of operation.

KGHF—Curtis P. Ritchie, Pueblo, Colo.—Construction permit to make changes in equipment and increase power to 500 watts. Amended to omit request to change power.

APPLICATIONS RETURNED

WBNX—Standard Cahill Co., Inc., New York, N. Y.—License to cover construction permit to install new equipment. (Improper form.)

WRGA—Rome Broadcasting Corp., Rome, Ga.—Construction permit to move station locally. (Improperly executed.)

KGHI—Loyd Judd Co., Little Rock, Ark.—Special experimental authority to use an additional 250 watts power at night. (Jurat incomplete.)

WDAF—Kansas Ciy Star, Kansas City, Mo.—Authority to determine output power by direct antenna measurement. (Not signed.)

NEW—Lucien R. Gruss, Cleveland, Ohio—Construction permit to erect a new station—**610 kc.,** 500 watts, daytime. (Rule 6, equipment and transmitter location unsatisfactory.)

KSOO—Sioux Falls Broadcast Assn., Inc., Sioux Falls, S. Dak.—License to cover construction permit to move transmitter and change equipment. (Incomplete.)

WKOK—Charles L. Kremer, Receiver, Sunbury Broadcasting Corp., Chas. S. Blue, Horace Blue, Sunbury, Pa.—Involuntary assignment of license from Charles S. Blue. (Request of applicant.)

KPCB—Queen City Broadcasting Co., Seattle, Wash.—Authorization to install automatic frequency control. (Unnecessary.)

KOL—Seattle Broadcasting Co., Inc., Seattle, Wash.—Modification of license to change operating frequency from **1270 kc.** to **850 kc.** (Request of applicant.)

NEW—Cole's Furniure Store, Harry E. Cole, Prop., Potosi, Mo.—Construction permit to erect a new station at Potosi, Mo., to operate on **1420 kc.,** 8-10 watts power, and specified hours. (Rule 6, power, time of operation, antenna and monitor.)

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NATIONAL PRESS BUILDING ★ ★ ★ ★ ★ WASHINGTON, D. C.

PHILIP G. LOUCKS, Managing Director

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BROADCAST ADVERTISING IN FEBRUARY

Developments of the Month

Broadcast advertising in February showed a slight decline as compared with the preceding month. Gross sales of time amounted to $5,943,820 and were 4.1% less than in January. National network revenues were 36.4% above February 1933, though showing a drop of 5.5% as compared with the preceding month of the current year. Non-network advertising decreased 2.0% as compared with January, while regional network advertising increased slightly.

Slight increases in advertising were experienced by stations of 1,000 watts and under, while minor recessions took part in the higher power classes. All geographical districts tended to hold their own as compared with the previous month, the drop in Southern revenues being largely offset by a small increase in Middle Western business. Spot advertising exhibited slight gains while local advertising decreased approximately 4.0%. Electrical transcription volume continued strong, while spot announcement volume showed added recessions. The large gains in spot and local beverage advertising, the marked increase in national network automotive advertising, and the equally marked shrinkage in spot and automotive advertising were the principal features of the month in the field of sponsorship of advertising.

Trend in General Radio Advertising

The trend in general radio advertising is found in Table I:

TABLE I

TOTAL RADIO BROADCAST ADVERTISING VOLUME

Class of Business	*January*	*1934 Gross Receipts February*	*Cumulative Jan.-Feb.*
National networks...	$3,793,075.00*	$3,585,270.00	$7,378,345.00
Regional networks...	53,578.00	54,932.00	108,510.00
Individual stations...	2,351,438.00	2,303,618.00	4,655,056.00
Total	$6,198,091.00	$5,943,820.00	$12,141,911.00

* Revised total presented by Publishers' Information Bureau in March report.

The trend in national network advertising is contrary to the usual one for this time of the year, network advertising in the past having tended to rise during the entire first quarter of the year, and to reach its high peak in the month of March. From advance reports, March and April revenues, however, should be highly encouraging. Non-network advertising trends during the month have been dominated by the local business which again seems to be following newspaper advertising trends as far as seasonal pattern is concerned. Non-network business has shown a slow but steady recession since November and in February stood at 93.2% of its previous peak level. Regional network volume still remains materially below the December high point in spite of slight increases.

Comparison with Other Media

A comparison of the relative volume of broadcast advertising in February as against that of other major media is found in Table II:

TABLE II

ADVERTISING VOLUME BY MAJOR MEDIA

Advertising Medium	*January*	*1934 Gross Receipts February*	*Cumulative Jan.-Feb.*
Radio Broadcasting.	$6,198,091.00	$5,943,820.00	$12,141,911.00
National magazines[1].	6,360,965.00	7,803,512.00	14,164,477.00
National farm papers	296,077.00	464,621.00	760,698.00
Newspapers	34,261,950.00	33,470,300.00	67,732,250.00
Total $47,117,083.00		$47,682,253.00	$94,799,236.00

[1] National magazine totals are for 108 periodicals, prepared by Publishers' Information Bureau, Inc., from which source national farm papers and networks are also taken.

National magazine volume increased 22.6% as compared with January, though still remaining 5.4% below the December high. The magazine outlook seems to be highly encouraging, it being reported that the April volume of several leading periodicals will tend to be double that of 1933. Thus far magazine gains have been slight, February weeklies showing an increase of 13.0% over the previous year, and monthlies experiencing only a 2.0% gain over February 1933.

National farm paper advertising volume increased 56.9% as compared with January, and was 20.0% greater than in February of the preceding year. Newspaper advertising volume declined 5.5% during the month and stood at approximately 10.0% above the 1933 volume for the same month.

Non-Network Advertising by Power of Station

The volume of non-network advertising placed over stations of various classes of power is found in Table III:

TABLE III

NON-NETWORK BROADCAST ADVERTISING BY POWER OF STATION

Power of station	*January*	*1934 Gross Receipts February*	*Cumulative Jan.-Feb.*
Over 5,000 watts....	$908,290.00	$887,690.00	$1,795,980.00
2,500-5,000 watts ...	226,471.00	182,614.00	409,085.00
250-1,000 watts	949,677.00	959,056.00	1,908,733.00
100 watts and under	267,000.00	274,258.00	541,258.00
Total	$2,351,438.00	$2,303,618.00	$4,655,056.00

There was a 2.2% decline in the revenues of stations of 5,000 watts and over in power, and a marked decrease in the volume of advertising of the next class of station below them. On the other hand slight increases are to be noted on the part of the two lower classes of stations.

Advertising by Geographical Districts

The amount of non-network advertising placed of stations located in principal geographic areas is to be found in Table IV:

TABLE IV

NON-NETWORK BROADCAST ADVERTISING BY GEOGRAPHICAL DISTRICTS

Geographical District	1934 Gross Receipts January	February	Cumulative Jan.-Feb.
New England-Middle Atlantic Area	$642,012.00	$623,429.00	$1,265,441.00
South Atlantic-South Central Area	390,090.00	353,940.00	754,030.00
North Central Area	914,886.00	923,748.00	1,838,634.00
Pacific and Mountain Area	404,450.00	402,501.00	806,951.00
Total	$2,351,438.00	$2,303,618.00	$4,655,056.00

There has been little change in the situation in this field during the past month. A slight gain in volume was experienced in the Middle Atlantic-New England and Middle Western areas, while the Southern district experienced a decrease in revenue of approximately 10.0%. The Pacific-Mountain area remained comparatively even.

Spot and Local Advertising

The relative volume of spot and local advertising placed over individual stations is found in Table V:

TABLE V

COMPARISON OF NATIONAL SPOT AND LOCAL BROADCAST ADVERTISING

Class of business	1934 Gross Receipts January	February	Cumulative Jan.-Feb.
National spot	$1,075,290.00	$1,079,658.00	$2,154,948.00
Local	1,276,148.00	1,223,960.00	2,500,108.00
Total	$2,351,438.00	$2,303,618.00	$4,655,056.00

National spot advertising continued approximately even during February holding the high level gained in recent months. Should further increases in national network advertising take place a similar spot trend may be expected. Local advertising declined approximately 4.0% as compared with the preceding month. This again seems to be an indication of the tendency for local advertising to follow the newspaper trend as far as seasonal fluctuations are concerned, newspaper volume always declining several months following the Christmas holidays.

Advertising by Type of Rendition

The trend with regard to electrical transcription, live spot, record and spot announcement business during the month is found in Tables VI and VII:

TABLE VI

NON-NETWORK BROADCAST ADVERTISING BY TYPE OF RENDITION

Type of Rendition	1934 Gross Receipts January	February	Cumulative Jan.-Feb.
Electrical transcriptions	$545,430.00	$542,507.00	$1,087,937.00
Live talent programs	1,057,331.00	1,063,466.00	2,120,797.00
Records	38,177.00	39,745.00	77,922.00
Spot announcements	710,500.00	657,900.00	1,368,400.00
Total	$2,351,438.00	$2,303,618.00	$4,655,056.00

TABLE VII

COMPARISON OF LOCAL AND NATIONAL SPOT ADVERTISING BY TYPE OF RENDITION

(February 1934)

Type of Rendition	Gross Receipts for Month National Spot	Local	Total
Electrical transcriptions	$433,887.00	$108,620.00	$542,507.00
Live talent programs	445,624.00	617,842.00	1,063,466.00
Records	4,497.00	35,248.00	39,745.00
Spot announcements	195,650.00	462,250.00	657,900.00
Total	$1,079,658.00	$1,223,960.00	$2,303,618.00

Electrical transcription volume during February continued to maintain its high level of the preceding month and was 17.3% above the December figure. There was no appreciable difference in trend between national spot and local business of this type.

In the live talent field, slight gains were also experienced. Live talent volume in February was 12.0% above the December volume, and approximately $6,000 above January. In the case of business of this type increased local volume offset declines in the national spot field. Local live talent advertising increased 9.3% as compared with January while national spot advertising dropped 5.2% during the same period.

Records continued to remain materially below the December level. Spot announcements continued their decline of recent months, total spot announcement volume during the current month standing at about two-thirds the December level. Total spot announcements decreased 7.4%, national spot advertising dropped 14.3% and local announcement volume 5.1%.

Participations

Participations increased slightly over January, all of the rise taking place in the live talent field. February revenues in this field were 2.9% higher than in the preceding month. Data regarding this type of business are found in Table VIII:

TABLE VIII

PARTICIPATIONS OVER INDIVIDUAL STATIONS

Type of Rendition	1934 Gross Receipts January	February	Cumulative Jan.-Feb.
Electrical transcriptions	$309.00	$147.00	$456.00
Live talent	128,300.00	134,700.00	263,000.00
Records	8,854.00	6,720.00	15,574.00
Total	$137,463.00	$141,567.00	$279,030.00

Radio Advertising Sponsors

Principal trends in the field of broadcast advertising sponsorship included a marked decline in local and spot automobile advertising, amounting to 63.0% in the case of non-network automotive sponsorship, a marked gain in beauty parlor advertising, a doubling of spot and 17.8% increase in local beverage advertising, a decline of approximately 30% in national network and national spot household appliance advertising and a marked rise in national spot soap and kitchen supply advertising volume. The volume of broadcast advertising sponsored by various types of industries is found in Table IX while the relative volume of national spot and local advertising of different types is found in Table X.

Due to corrections in network figures on the part of the Publishers' Information Bureau, whose tabulations are used in these reports, it has been necessary to include a supplementary table, Table IX (A), giving revised class totals for January.

TABLE IX

RADIO BROADCAST ADVERTISING VOLUME BY TYPE OF SPONSORING BUSINESS

(February 1934)

Type of Sponsoring Business	*Gross Receipts for Month* — *National Networks*	*Regional Networks*	*Individual Stations*	*Total*
1a. Amusements	—	—	$42,450.00	$42,450.00
1–2. Automobiles and Accessories:				
(1) Automobiles	$250,339.00	$1,686.00	87,942.00	339,967.00
(2) Accessories, gas and oils	313,671.00	19,250.00	145,615.00	478,536.00
3. Clothing and apparel	30,567.00	1,000.00	114,635.00	146,202.00
4–5. Drugs and toilet goods:				
(4) Drugs and pharmaceuticals	367,479.00	2,244.00	395,551.00	765,274.00
(5) Toilet goods	744,915.00	—	117,053.00	861,968.00
6–8. Food products:				
(6) Foodstuffs	696,191.00	15,718.00	408,660.00	1,120,569.00
(7) Beverages	275,740.00	5,132.00	98,817.00	379,689.00
(8) Confections	115,365.00	200.00	55,310.00	170,875.00
9–10. Household goods:				
(9) Household equipment and furnishings	38,199.00	—	112,265.00	150,464.00
(10) Soap and kitchen supplies	141,899.00	—	34,296.00	176,195.00
11. Insurance and financial	57,067.00	—	44,083.00	101,150.00
12. Radios	38,523.00	—	3,643.00	42,166.00
13. Retail establishments	—	—	80,253.00	80,253.00
14. Tobacco products	392,279.00	—	6,210.00	398,489.00
15. Miscellaneous	123,036.00	9,702.00	556,835.00	689,573.00
Total	$3,585,270.00	$54,932.00	$2,303,618.00	$5,943,820.00

TABLE X

NON-NETWORK ADVERTISING BY TYPE OF SPONSORING BUSINESS

(February 1934)

Type of Sponsoring Program	*Gross Receipts for Month* — *National Spot*	*Local*	*Total*
1a. Amusements	$6,344.00	$36,106.00	$42,450.00
1–2. Automobiles and Accessories:			
(1) Automobiles	46,562.00	41,380.00	87,942.00
(2) Accessories, gas and oils	83,939.00	61,676.00	145,615.00
3. Clothing and apparel	5,088.00	109,547.00	114,635.00
4–5. Drugs and toilet goods:			
(4) Drugs and pharmaceuticals	288,406.00	107,145.00	395,551.00
(5) Toilet goods	68,063.00	48,990.00	117,053.00
6–8. Food products:			
(6) Foodstuffs	181,794.00	226,866.00	408,660.00
(7) Beverages	36,547.00	62,270.00	98,817.00
(8) Confectionery	51,402.00	3,908.00	55,310.00
9–10. Household goods:			
(9) Household equipment and furnishings	26,839.00	85,426.00	112,265.00
(10) Soap and kitchen supplies	23,950.00	10,346.00	34,296.00
11. Insurance and financial	14,579.00	29,504.00	44,083.00
12. Radios	130.00	3,513.00	3,643.00
13. Retail establishments	2,453.00	77,800.00	80,253.00
14. Tobacco products	4,050.00	2,160.00	6,210.00
15. Miscellaneous	239,512.00	317,323.00	556,835.00
Total	$1,079,658.00	$1,223,960.00	$2,303,618.00

TABLE IX (A)

NATIONAL NETWORK ADVERTISING VOLUME IN JANUARY

(Corrected)

Type of Sponsoring Program	Gross Receipts for Month
1a. Amusements	$.....
1-2. Automobiles and Accessories:	
(1) Automobiles	191,270.00
(2) Accessories, gasoline and oil	315,130.00
3. Clothing and apparel	17,968.00
4-5. Drugs and toilet goods:	
(4) Drugs and pharmaceuticals	422,926.00
(5) Toilet goods	798,973.00
6-8. Food products:	
(6) Foodstuffs:	724,921.00
(7) Beverages	308,384.00
(8) Confectionery	129,980.00
9-10. Household goods:	
(9) Household equip. and furn.	55,303.00
(10) Soap and kitchen supplies	145,345.00
11. Insurance and financial	65,075.00
12. Radios	47,249.00
13. Retail establishments	.....
14. Tobacco products	436,893.00
15. Miscellaneous	133,658.00
Total	$3,793,075.00

The following trends are to be noticed in the aforementioned tables:

1a. *Amusements:*—Advertising volume in this field declined 7.7% as compared with January. Amusement advertising during the current month was the lowest since the establishment of these reports, and was at approximately 50% its August level.

1. *Automobiles:*—Following a marked increase in January, automotive radio advertising declined to approximately 10% below the December level. National network advertising increased 24.0%, while non-network advertising dropped 63.0%. The decline is approximately the same in the national spot and local fields.

2. *Accessories, gasoline and oil:*—Accessory and gasoline advertising volume experienced a 2.0% decrease as compared with January. National network advertising rose 16.0%, regional network advertising remained even, and individual station advertising declined approximately 18.0%. The decline in the non-network fields was principally due to a drop in local advertising which decreased 26.3% as compared with the previous month. National spot volume dropped 11.0%.

3. *Clothing:*—In spite of a doubling of national network advertising volume in this field, general clothing advertising over the radio declined 2.6%. National spot advertising dropped approximately 60.0%, while local advertising declined 10.0%.

4. *Drugs and pharmaceuticals:*—Drug and pharmaceutical advertising remained comparatively steady during the month. National network advertising declined 14.9% while individual station advertising increased approximately 20.0% due principally to a rise in national spot advertising.

5. *Toilet goods:*—There was little or no change in the total advertising in this field, an increase of 24.0% in individual station business offsetting a 6.7% drop in national network volume. All of the increase in the non-network fields was due to a rise in local business.

6. *Foodstuffs:*—Food advertising over the radio decreased 1.6% as compared with January. National network volume decreased 4.0%, while individual station volume dropped 3.8%, decreasing local business more than offsetting the slight rise which occurred in the national spot field.

7. *Beverages:*—There was a slight gain in total beverage advertising due principally to increased local and national spot volume. Local beverage advertising rose 17.8% as compared with January, while national spot advertising more than doubled. National network advertising in this field decreased 10.7%.

8. *Confectionery:*—Confectionery advertising decreased 10.0% during February, the decline taking place about evenly in all branches of radio advertising.

9. *Household appliances:*—Radio advertising in this field decreased 10.8%, national network volume declining 30.9%, local advertising over individual stations rising 13.8% and national spot advertising dropping off 27.6% as compared with the preceding month.

10. *Soap and kitchen supplies:*—Soap and household supply advertising experienced a 4.1% gain during the month, due principally to a 5.0% rise in individual station volume from this type of sponsorship. The individual station increase, in turn, was due mainly to a doubling of national spot advertising.

11. *Insurance and financial:*—Financial advertising during February dropped approximately to 90.0% the January level, national network volume decreasing 12.3%, and individual station 4.3%. There was a slight rise in national spot volume of this type.

12. *Radio:*—Radio set advertising over the air decreased 26.6% as compared with the previous month. National network advertising dropped 18.2%, and individual station advertising declined 60.0%, national spot and local advertising going down about evenly.

13. *Retail:*—Department store and general store advertising dropped approximately 5.0% during the month, reaching the lowest point since July.

14. *Tobacco products:*—Tobacco advertising dropped off approximately 10.0% during January, due almost entirely to a decline in national network advertising of this type.

15. *Miscellaneous:*—There was a slight gain in the miscellaneous group during the month, though it was too small to be of any consequence.

Retail Advertising

The volume of retail advertising of various types is found in Table XI:

TABLE XI

RETAIL ADVERTISING OVER INDIVIDUAL STATIONS

(February, 1934)

Type of Sponsoring Business	Gross Receipts for Month
Automobiles and accessories:	
Automobile agencies and used car dealers	$37,705.00
Gasoline stations, garages, etc.	23,530.00
Clothing and apparel shops	112,057.00
Drugs and toilet goods:	
Drug stores	6,516.00
Beauty parlors	5,800.00
Food products:	
Grocery stores, meat markets, etc.	56,783.00
Restaurants and eating places[1]	18,510.00
Beverage retailers	277.00
Confectionery stores, etc.	2,300.00
Household goods:	
Household equipment retailers[2]	27,253.00
Furniture stores	42,860.00
Hardware stores	6,952.00
Radio retailers	3,357.00
Department and general stores	80,253.00
Tobacco shops	113.00
Miscellaneous	48,668.00
Total	$469,934.00

[1] Exclusive of hotels.

[2] Such as electric refrigerators, oil burners, sweepers, furnaces and the like.

General retail advertising declined 17.6% during the month, a 67.0% decrease in the automotive field, and a marked decline in the drug field being among the contributing factors of major importance. Declines, however, were fairly general.

General Business Conditions

The general trend of business continues to be an upward one with encouraging steadiness. Increased business confidence, especially as contrasted with a year ago, the temporary cessation of major labor disputes, the influence of natural demand for goods caused by the complete depletion of existing stocks, and the emergency program of the government in the fields of general employment and agriculture, have undoubtedly been contributory to the upswing.

The New York Times Index of business activity on March 24 stood at 85.9 points as contrasted to 82.2 on February 17 of this year and 63.7 on March 25, 1933.

The price rise of recent months came to a temporary halt in March, the Department of Labor index registering 73.8 of the average as compared with 73.7 on February 17 and 60.5 on March 25 of last year. Food prices declined slightly during the month though remaining more than 21% above the 1933 level for the same period.

Automobile production continued vigorously, the index in this field standing at 107.3 as compared with 33.8 a year ago, and 83.7 on February 17. Electric power production increased approximately 1% during the current month, the power index registering 99.5 points as against 84.6 during the same week of 1933. The steel output index rose to 61.8 points on March 24 as compared with 55.3 on February 17 and 25.0 a year ago.

Retail trade has been showing a generally favorable trend, though the month of February did not bring as much of an increase in retail volume as might have been anticipated in view of the usual seasonal trend. February department store sales were equal to 70% of the 1923-25 average, and registered a gain of 16% over the same month of the previous year. Variety store sales, including companies such as F. W. Woolworth and others, in February were equal to 87.9% of the 1929 volume for the same month.

Trade in the rural areas has shown the most improvement. The influence of the A. A. A. crop payments has definitely manifested itself in these districts in the guise of increased spending. Rural retail sales in February were 43% above the level of February of the previous year, a showing almost three times as favorable as that of general retail trade during the month. During March one mail order house reported a 57% increase in trade as compared with the same period of the preceding year. It is also reported that increases of several hundred per cent have been experienced by mail order business establishments in agricultural states, especially in the South.

A. A. A. crop expenditures should continue to reflect themselves in increased buying power in these districts. Up until March 1 of the current year approximately $200,000,000 has been paid out by this branch of the government. Of this sum Texas alone received nearly $47,000,000, Kansas and Oklahoma approximately $16,000,000 each, Arkansas, Mississippi and Alabama in the neighborhood of $10,000,000 each, Georgia approximately $8,000,000 and other states varying amounts. Approximately $112,350,000 was expended on cotton and $59,600,000 on wheat.

A factor which may be of considerable importance in the near future is the increase which has taken place in the monetary reserves of the country, making possible further currency and credit expansion. Due to the revaluation of the dollar the monetary gold stock of the country was increased in value from $4,033,000,000 on January 31 to $7,438,000,000 at the end of February according to the Federal Reserve Board. Gold imports in February amounted to approximately $400,000,000. This broadened base of credit, if it reflects itself in extension of financial aid to worthy enterprises, and does not merely result in inflationary price rises, may be of marked influence in further business development. Bank reserves at present are about $1,150,000,000 above the legal requirements.

In spite of the general forward trend of business, unrestrained optimism is hardly timely. While business should continue along its present lines for some months to come, at least barring unexpected disturbances—several critical problems remain to be faced. Purchasing power is being spread over a wider area than has been the case for some time. However, it must be remembered that some of this represents emergency measures. Moreover, purchasing power in industry itself has been broadened more than it has been increased. According to the Federal Reserve Board index for January, employment was 71.8% of the 1923-25 average while payrolls were 52.9% of the average for that two-year period. Retail employment in January was 84.6% of the 1923-25 average and payrolls 68.8%.

In addition it should be noted that there has been little if any increase in the income of the middle class, while increasing prices have made considerable inroads upon their purchasing power. Announced pay increases in recent months have almost uniformly failed to mention office workers. Executive salaries remain for the most part where they were in 1932 and 1933. In the meantime the burden of taxation and rising prices are further cutting into the buying power of this class of consumer.

Since the sale of many non-essential goods, such as automobiles, refrigerators and other household equipment, is to an appreciable degree dependent upon the buying of this class, and since the prosperity of the industries making these goods is an important factor in our business today, it may be that further steps will be required to rehabilitate middle class purchasing power.

The National Association of Broadcasters

NATIONAL PRESS BUILDING ★ ★ ★ ★ ★ WASHINGTON, D. C.

PHILIP G. LOUCKS, Managing Director

NAB REPORTS

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THE DILL BILL

The Senate Committee on Interstate Commerce on Friday ordered to be reported the revised Dill communications bill (S. 3285). It is expected that the report will be ready early next week, and it is not expected that a minority report will be prepared.

Although some changes have been made in the bill, most of the objections cited in last week's NAB Reports are still applicable.

Some of the provisions of the bill (S. 3285) of interest are as follows:

Sec. 307 (b) It is hereby declared that the people of all the zones established by this title are entitled to equality of radio broadcasting service, both of transmission and reception, and in order to provide said equality the Commission shall as nearly as possible make and maintain an equal allocation of broadcasting licenses, of bands of frequency, of periods of time for operation, and of station power, to each of said zones when and insofar as there are applications therefor; and shall make a fair and equitable allocation of licenses, frequencies, time for operation, and station power to each of the States and the District of Columbia, within each zone, according to population. The Commission shall carry into effect the equality of broadcasting service hereinbefore directed, whenever necessary or proper, by granting or refusing licenses or renewals of licenses, by changing periods of time for operation, and by increasing or decreasing station power, when applications are made for licenses or renewals of licenses: Provided, That if and when there is a lack of applications from any zone for the proportionate share of licenses, frequencies, time of operation, or station power to which such zone is entitled, the Commission may issue licenses for the balance of the proportion not applied for from any zone, to applicants from other zones for a temporary period of ninety days each, and shall specifically designate that said apportionment is only for said temporary period. Allocations shall be charged to the State or District wherein the studio of the station is located and not where the transmitter is located; Provided further, That the Commission may also grant applications for additional licenses for stations not exceeding one hundred watts of power if the Commission finds that such stations will serve public interest, convenience or necessity, and that their operation will not interfere with the fair and efficient radio service of stations licensed under the provisions of this section.

(c) The Commission shall study the proposal that Congress by statute allocate fixed percentages of radio broadcasting facilities to particular types or kinds of radio programs or to persons identified with particular types or kinds of activities, and shall report to Congress its recommendations together with the reasons for the same.

(d) No license granted for the operation of a broadcasting station shall be for a longer term than one year and no license so granted for any other class of station shall be for a longer term than three years, and any license granted may be revoked as hereinafter provided. Upon the expiration of any license, upon application therefor, a renewal of such license may be granted from time to time for a term of not to exceed one year in the case of broadcasting licenses and not to exceed three years in the case of other licenses, but action of the Commission with reference to the granting of such application for the renewal of a license shall be limited to and governed by the same considerations and practice which affect the granting of original applications.

Sec. 312. Any station license may be revoked, or suspended for such period as the Commission may prescribe, for false statements either in the application or in the statement of fact which may be required by section 308 hereof, or because of conditions revealed by such statements of fact as may be required from time to time which would warrant the Commission in refusing to grant a license on an original application, or for failure to operate substantially as set forth in the license, for violation of or failure to observe any of the restrictions and conditions of this Act, or of any regulation of the Commission authorized by this Act or by a treaty ratified by the United States: Provided, however, That no such order of revocation or suspension shall take effect until fifteen days' notice in writing thereof, stating the cause for the proposed revocation or suspension, has been given to the licensee. Such licensee may make written application to the Commission at any time within said fifteen days for a hearing upon such order, and upon the filing of such written application said order of revocation or suspension shall stand suspended until the conclusion of the hearing conducted under such rules as the Commission may prescribe. Upon the conclusion of said hearing the Commission may affirm, modify, or revoke said order of revocation or suspension.

Sec. 315 (a) If any licensee shall permit any person who is a legally qualified candidate for any public office to use a broadcasting station, he shall afford equal opportunities to all other such candidates for that office in the use of such station; and if any licensee shall permit any person to use a broadcasting station in support of or in opposition to any candidate for public office, or in presentation of views on a public question to be voted upon at an election, he shall afford equal opportunity to an equal number of other persons to use such station in support of an opposing candidate for such public office, or to reply to a person who has used such broadcasting station in support of or in opposition to a candidate, or for the presentation of opposite views on such public questions. Furthermore, it shall be considered in the public interest for a licensee, so far as possible, to permit equal opportunity for the presentation of both sides of public questions.

(b) The Commission shall make rules and regulations to carry this provision into effect. No such licensee shall exercise censorship over any material broadcast in accordance with the provisions of this section. No obligation is imposed upon any licensee to allow the use of his station by any candidate, or in support of or in opposition to any candidate, or for the presentation of views on any side of a public question.

(c) The rates charged for the use of any station for any of the purposes set forth in this section shall not exceed the regular rates charged for the use of said station to advertisers furnishing regular programs, and shall not be discriminatory as between persons using the station for such purposes.

RAYBURN BILL HEARING ADJOURNED

The House Committee on Interstate Commerce, on Wednesday of this week, adjourned the hearings on the Rayburn Communications Bill until next Wednesday, April 18, to allow the committee more time to consider the Fletcher-Rayburn stock market legislation. It is expected that testimony of Henry A. Bellows, chairman of the NAB legislative committee, will be presented at that time.

Representatives of government departments were heard by the Committee on Tuesday and Wednesday. The first witness was Secretary of Commerce Roper, who referred to the report of the interdepartmental committee on communications submitted to the President several months ago. Secretary Roper did not testify further, leaving the details to Dr. Irvin Stewart, of the State Department, and Capt. S. C. Hooper, of the Navy Department.

Dr. Stewart pointed out the differences in the provisions of the Rayburn bill and the existing legislation, and quoted at some length from the Splawn report on communications recently submitted to the House Committee.

Capt. Hooper suggested adequate safeguards against foreign ownership of American communications facilities, and requested in-

clusion of a provision authorizing the Federal Communications Commission to keep secret matters affecting national defense.

Judge Eugene O. Sykes, Chairman of the Federal Radio Commission, expressed general approval of the bill and suggested certain clarifications of wording.

COMMISSION AMENDS RULE 232

The Federal Radio Commission on Friday of this week amended Rule 232, concerning fixed public press service, by adding "Or for public dissemination by any class of radio station the emissions of which are intended to be received by the general public."

"100% RADIO" WEEK JUNE 10-16

The Institute of Radio Service Men, which has evolved a plan for continuous promotion to stimulate public interest in radio, as a means of maintaining a high level of listening audience, has specified the week of June 10 to June 16 as the first period of expanded operations in accordance with the plan.

Especial emphasis will be placed on automobile radios during the week of June 10-16, in an effort to focus the attention of listeners on the advantages of having a radio receiving set in the automobile. A number of "auto-radio" parades are being arranged in leading cities.

QUOTA SUMMARY

Summary of Broadcasting Facilities Assigned to Zones and States, as of April 7.

Zone 1

State	Quota Units Due	Quota Units Assigned	Quota Units under or over	Percent under or over
Conn.	4.48	4.20	—0.28	— 6
Del.	0.67	0.53	—0.14	— 21
D. C.	1.35	1.30	—0.05	— 4
Maine	2.22	2.21	—0.01	— 0
Md.	4.55	4.40	—0.15	— 3
Mass.	11.84	11.21	—0.63	— 5
N. H.	1.29	0.93	—0.36	— 29
N. J.	11.26	11.85	+0.59	+ 5
N. Y.	35.07	38.42	+3.35	+ 9
R. I.	1.91	1.40	—0.51	— 27
Vt.	1.00	0.62	—0.38	— 38
P. R.	4.30	1.10	—3.20	— 74
V. I.	0.06	....	—0.06	—100
Total	80.00	78.17	—1.83	— 2

Zone 2

Ky.	7.50	8.50	+1.00	+ 13
Mich.	13.89	10.90	—2.99	— 22
Ohio	19.07	20.09	+1.02	+ 5
Pa.	27.63	25.99	—1.64	— 6
Va.	6.95	9.50	+2.55	+ 37
W. Va.	4.96	5.63	+0.67	+ 13
Total	80.00	80.61	+0.61	+ 1

Zone 3

Ala.	7.37	6.52	—0.85	— 12
Ark.	5.16	5.40	+0.24	+ 5
Fla.	4.09	8.45	+4.36	+107
Ga.	8.10	8.35	+0.25	+ 3
La.	5.85	8.39	+2.54	+ 43
Miss.	5.60	3.40	—2.20	— 39
N. Car.	8.82	10.35	+1.53	+ 17
Okla.	6.67	8.44	+1.77	+ 27
S. Car.	4.83	2.00	—2.83	— 59
Tenn.	7.29	12.80	+5.51	+ 76
Texas	16.22	22.75	+6.53	+ 40
Total	80.00	96.85	+16.85	+ 21

Zone 4

State	Quota Units Due	Quota Units Assigned	Quota Units under or over	Percent under or over
Ill.	22.52	27.81	+5.29	+ 23
Ind.	9.56	7.87	—1.69	— 18
Iowa	7.30	11.80	+4.50	+ 62
Kans.	5.55	6.05	+0.50	+ 9
Minn.	7.57	9.08	+1.51	+ 20
Mo.	10.71	12.20	+1.49	+ 14
Nebr.	4.06	7.36	+3.30	+ 81
N. Dak.	2.01	2.99	+0.98	+ 49
S. Dak.	2.05	2.89	+0.84	+ 40
Wisc.	8.67	7.99	—0.68	— 8
Total	80.00	96.04	+16.04	+ 20

Zone 5

Ariz.	2.83	2.66	—0.17	— 6
Calif.	36.86	38.44	+1.58	+ 4
Colo.	6.72	9.24	+2.52	+ 38
Idaho	2.89	3.00	+0.11	+ 4
Mont.	3.49	3.85	+0.36	+ 10
Nev.	0.59	0.70	+0.11	+ 19
N. Mex.	2.75	4.03	+1.28	+ 47
Ore.	6.19	9.22	+3.03	+ 49
Utah	3.30	6.60	+3.30	+100
Wash.	10.15	15.59	+5.44	+ 54
Wyo.	1.46	0.80	—0.66	— 45
Alaska	0.38	0.48	+0.10	+ 26
Hawaii	2.39	1.94	—0.45	— 19
Total	80.00	96.55	+16.55	+ 21

EXAMINER RECOMMENDS DENIALS

Ralph L. Walker (e) in Report No. 545 this week recommended that the applications of WJBW, New Orleans, for full time, of WBBX of New Orleans for renewal of license and for voluntary assignment of license be denied.

The examiner found in his report that WJBW "has failed to show the character and nature of its service, the need in the community for additional service, the need of additional hours to render that service, or his ability to provide it."

In the case of WBBX the examiner found that the applicant "does not have possession of the transmitter for which he seeks a renewal license, nor does he appear to have any prospects of acquiring said transmitter."

1360 KC RECOMMENDATIONS

George H. Hill (e) in his Report No. 546 this week made the following recommendations as a result of a hearing recently held: (1) That the application of John L. Hopkins for a construction permit be dismissed without prejudice; (2) that the application of WSBC for a construction permit be dismissed without prejudice; (3) that the application of WHBY for a construction permit be denied; (4) that the application of WBOW for a construction permit be denied; (5) that the application of WGES for renewal of license be granted; (6) that the application of WSBT for modification of license and renewal of license be granted; and (7) that the application of WFBM for modification of license be granted. These recommendations, if adopted, would allow WSBT to change frequency from 1230 kilocycles to 1360 kilocycles, 4/7 time, and WFBM to then use full time on 1230 kilocycles.

WOQ FILES WRIT

Broadcasting Station WOQ, United School of Christianity, Kansas City, Kans., taken off the air by the Radio Commission this week filed a writ of certiorari in the Supreme Court of the United States.

This station was taken off the aid sometime ago by the Radio Commission. Appeal was made to the Court of Appeals of the District of Columbia, which court upheld the decision of the Commission. The station is now asking for a review of the decision of the lower court by the Supreme Court.

FEDERAL RADIO COMMISSION ACTION

HEARING CALENDAR

TUESDAY, APRIL 17, 1934

NEW—Voice of Longview, Longview, Texas—C. P., **1370 kc.,** 100 watts, daytime.

WEDNESDAY, APRIL 18, 1934

KFAC—Los Angeles Broadcasting Co., Inc., Los Angeles, Calif.—Modification of license, **1300 kc.,** 1 KW, unlimited time. (Facilities KGEF.)

WBBC—Brooklyn Broadcasting Corp., Brooklyn, N. Y.—Modification of license, **1400 kc.,** 500 watts, share WLTH. (Facilities WARD, WVFW.) Also for renewal of license, and renewal auxiliary transmitter license.

WLTH—Voice of Brooklyn, Inc., Brooklyn, N. Y.—Modification of license, **1400 kc.,** 500 watts, share WBBC. (Facilities WARD, WVFW.) Also for renewal of license.

WVFW—Paramount Broadcasting Corp., Brooklyn, N. Y.—Modification of license, **1400 kc.,** 500 watts, unlimited time. (Facilities WARD, WBBC, and WLTH.) Also for renewal of license.

WARD—U. S. Broadcasting Corp., Brooklyn, N. Y.—Modification of license, **1400 kc.,** 500 watts, unlimited time. (Facilities WVFW, WLTH and WBBC.) Also for renewal of license, and C. P. to move transmitter.

FRIDAY, APRIL 20, 1934

WJEJ—Hagerstown Broadcasting Co., Hagerstown, Md.—C. P., **1210 kc.,** 50 watts, 250 watts LS, unlimited time.

First Zone

WSYB—Philip Weiss Music Co., Rutland, Vt.—To operate from 1 to 1:30 p. m., EST, April 14, 21 and 28.

WBAL—Consolidated Gas, Electric Light & Power Co. of Baltimore, Baltimore, Md.—Granted consent to voluntary assignment of license to the WBAL Broadcasting Company.

Second Zone

WJBK—James F. Hopkins, Inc., Detroit, Mich.—Granted modification of license to change hours of operation from specified to unlimited and change frequency from **1370** to **1500 kc.**

WMPC—The First Methodist Protestant Church of Lapeer, Mich.—Granted modification of license to change frequency from **1500** to **1200 kc.**

WIBM—WIBM, Inc., Jackson, Mich.—Granted modification of license to change hours of operation from specified to unlimited.

WCAE—WCAE, Inc., Pittsburgh, Pa.—Granted license covering local move of transmitter, **1220 kc.,** 400 watts, for auxiliary purposes.

WJR—WJR, The Goodwill Station, Inc., Detroit, Mich.—Granted modification of C. P. for approval of towers' location, formerly authorized in C. P. Also granted authority to extend commencement date to 4-16-34 and completion date to 10-16-34, to move transmitter from Pontiac to near Detroit, Mich.

KYW—Westinghouse E. and M. Co., Philadelphia, Pa.—Granted modification of C. P. for approval of transmitter site at Joshua Road, Whitemarsh Township, Pa., and install new equipment. (Original C. P. covers move of station from Chicago to near Philadelphia.)

Third Zone

WJBO—Baton Rouge Broadcasting Co., Inc., Baton Rouge, La.—Granted modification of C. P. extending commencement date to 10-1-34 and completion date to 12-1-34.

WPTF—WPTF Radio Co., Raleigh, N. C.—Granted modification of C. P. to change type of equipment authorized by C. P.

Fourth Zone

WLBC—Donald A. Burton, Muncie, Ind.—Granted license covering change in equipment and increase in day power from 50 to 100 watts on **1310 kc.,** 50 watts night, simultaneous day operation with WTRC, share night with WTRC.

WGN—WGN, Inc., Chicago, Ill.—Granted license covering changes in equipment and increase in power from 250 watts to 50 KW, **720 kc.,** unlimited time.

Fifth Zone

KVI—Puget Sound Broadcasting Co., Inc., Tacoma, Wash.—Granted authority to take measurement of antenna power.

SPECIAL TEMPORARY AUTHORITIES

WJDX—Lamar Life Ins. Co., Jackson, Miss.—To operate with 250 watts power for the period beginning April 17 and ending in no event later than April 27, 1934, in order to permit construction.

WESG—Cornell University, Elmira, N. Y.—To operate simultaneously with KTHS from 8 to 9:30 p. m., EST, May 5.

WSYB—Philip Weiss Music Co., Rutland, Vt.—To operate from 1 to 1:30 p. m., EST, April 14, 21 and 28.

WHDF—The Upper Michigan Broadcasting Co., Calumet, Mich.—To operate from 6:30 to 9 p. m., CST, April 16, 1934.

SET FOR HEARING

NEW—C. C. Morris, Ada, Okla.—C. P. for new station, **1200 kc.,** 100 watts, daytime.

WBAA—Purdue University, W. Lafayette, Ind.—Granted renewal of license on a temporary basis subject to such action as the Commisison may take on their application designated for hearing.

NEW—Cyril W. Reddoch d/b as The Friendly Broadcasting Co., Columbus, Miss.—C. P. for new station, **1370 kc.,** 100 watts daytime.

NEW—Chas. Dixon Gentsch, Greensboro, N. C.—C. P. for new station, **1440 kc.,** 500 watts night, 1 KW day; unlimited time; facilities of WBIG.

MISCELLANEOUS

WDAS—WDAS Broadcasting Station, Inc., Philadelphia, Pa.—Denied informal request for increase in nighttime power from 100 to 250 watts from 10:15 to 10:45 p. m., EST, April 13, 20, 27 and May 4, 1934.

WKOK—Charles S. Blue, Sunbury, Pa.—Granted consent to voluntary assignment of license to Sunbury Broadcasting Corp.

ACTION ON EXAMINERS' REPORTS

KFDY—Ex. Rept. No. 540: South Dakota State College, Brookings, S. Dak.—Granted modification of license to operate on **780 kc.,** 1 KW day, specified hours; daily except Sundays; 12:30 to 2 p. m., CST, sustaining Examiner Geo. H. Hill.

KFYR—Meyer Broadcasting Co., Bismarck, N. Dak.—Granted modification of license to operate on **550 kc.,** 1 KW, 2½ KW LS, unlimited time, sustaining Examiner Hill. (Effective date in the above May 13, 1934.)

NEW—Ex. Rept. No. 542: Jos. G. Mayer and Clarence R. Cummins, Erie, Pa.—Denied C. P. for new station to operate on **1420 kc.,** 100 watts, unlimited time, sustaining Examiner R. L. Walker. (Effective date of order April 20, 1934.)

WDBJ—Ex. Rept. No. 543: Times-World Corp., Roanoke, Va.—Granted modification of license to operate on **930 kc.,** 500 watts, unlimited time, sustaining Examiner Geo. H. Hill. (Effective date of order April 20, 1934.)

LICENSES CHANGED

WCHS (formerly WOBU)—WOBU, Inc., Charleston, W. Va.—Temporary license made permanent increasing power from 250 to 500 watts.

WTAG—Worcester Telegraph Publishing Co., Inc., Worcester, Mass.—Temporary license made permanent, increasing power from 250 to 500 watts.

WESG—Cornell University, Elmira, N. Y.—Reconsidered action of March 30, 1934, granting renewal of license on a regular basis, and directed special temporary authority be issued for the period ending August 1, 1934, during the conduct of experiments involving stations KTHS, KRLD, WTIC and WBAL.

KWJJ—KWJJ Broadcasting Co., Portland, Ore.—Reconsidered action of March 30, 1934, granting renewal of license on a regular basis, and directed special temporary authority be

issued for the period ending August 1, 1934, during the conduct of experiments involving stations KTHS, KRLD, WTIC and WBAL.

WJAG—Norfolk Daily News, Norfolk, Nebr.—Reconsidered action of March 30, 1934, granting renewal of license on a regular basis, and directed special temporary authority be issued for the period ending August 1, 1934, during the conduct of experiments involving stations KTHS, KRLD, WTIC and WBAL.

ORAL ARGUMENT DATE CHANGED

Oral argument before the Commission en banc, formerly set for April 18, changed to May 23, in re Examiner's Report No. 539, involving stations WARD, WBBC, WLTH and WVFW (formerly WFOX), all of Brooklyn, N. Y.

APPLICATIONS RECEIVED

First Zone

NEW—S. George Webb, Newport, R. I.—Construction permit to erect a new station to operate on **930 kc.**, with power of 250 watts, unlimited time. *Amended* to request **1200 kc.**, 100 watts, 250 watts L. S. and make equipment changes. (Contingent upon WPRO vacating **1210 kc.** and WORC vacating **1200 kc.**)

NEW—Arde Bulova and Norman K. Winston, Brooklyn, N. Y.—Construction permit to erect a new station to operate on **1400 kc.**, 1 KW, unlimited time. (Facilities stations WARD, WBBC, WLTH and WVFW.)

NEW—Portland Broadcasting System, Inc., Portland, Maine—Construction permit to erect a new station to operate on **640 kc.**, power of 500 watts, limited time.

WBNX—Standard Cahill Co., Inc., New York, N. Y.—License to cover construction permit granted 12-19-33 to make changes in equipment.

WQDM—A. J. St. Antoine and E. J. Regan, St. Albans, Vt.—Construction permit to move station locally.

Second Zone

WJR—WJR, The Goodwill Station, Inc., Detroit, Mich.—Modification of construction permit granted 12-15-33 to move transmitter to extend date of commencement and completion to 4-16-34 and 10-16-34 respectively.

WLW—The Crosley Radio Corp., Cincinnati, Ohio—Special experimental authorization to operate with power of 500 kilowatts using transmitter of W8XO for period ending 8-1-34.

WLAP—American Broadcasting Corp. of Ky., Lexington, Ky.—License to cover construction permit granted 1-5-34 to move station from Louisville to Lexington and change frequency from **1200** to **1420 kc.**

NEW—Clarion Broadcasting Co., Inc., Clarion, Pa.—Construction permit to erect a new station to operate on **850 kc.**, power of 250 watts, daytime. *Amended* to request **800 kc.** and to be considered under Rules 6(f) and 44.

Third Zone

WRGA—Rome Broadcasting Corp., Rome, Ga.—Construction permit to move studio and transmitter locally.

WSGN—R. B. Broyles tr/as R. B. Broyles Furniture Co., Birmingham, Ala.—Modification of construction permit granted 12-19-33 to install new equipment and increase power for extension of commencement and completion dates to 5-1-34 and 6-19-34, respectively.

WAMC—Raymond C. Hammett, Anniston, Ala.—Modification of construction permit granted 5-23-33 for removal of station from Anniston, Ala., to Selma, Ala., and also for extension of time.

NEW—Charles Henry Gunthorpe, Jr., Nacogdoches, Texas—Construction permit to erect a new station to operate on **1420 kc.**, 100 watts, daytime. To be considered under Rule 6(f).

KGHI—Loyd Judd Company, Little Rock, Ark.—Special experimental authorization to use power of 250 watts, night.

WTJS—The Sun Publishing Co., Jackson, Tenn.—Construction permit to make changes in equipment; change frequency from **1310 kc.** to **1430 kc.**, and increase power from 100 watts, 250 watts L. S., to 500 watts. (Facilities station WNBR.)

KGKO—Wichita Falls Broadcasting Co., Wichita Falls, Tex.—Special experimental authorization to increase power to 500 watts, 1 KW L. S., and change frequency to **1380 kc.** *Amended* to be considered under Rule 6(g).

Fourth Zone

KSTP—National Battery Broadcasting Co., St. Paul, Minn.—License to cover construction permit granted 10-27-33 to make equipment changes.

WDAF—The Kansas City Star, Kansas City, Mo.—Authority to determine operating power by direct antenna.

KSOO—Sioux Falls Broadcast Assn., Inc., Sioux Falls, S. Dak.—License to cover construction permit granted 1-23-34 to move transmitter and make changes in equipment.

WHBL—Press Publishing Co., Sheboygan, Wis.—License to cover construction permit granted 1-30-34 to make equipment changes.

NEW—Lawrence B. Amelung, Washington, Mo.—Construction permit to erect a new station to operate on **1420 kc.**, power of 50 watts, unlimited time.

KTFI—Radio Broadcasting Corp., Twin Falls, Idaho—License to cover construction permit granted 12-26-33 to move station locally and make equipment changes.

Fifth Zone

KGHF—Curtis P. Ritchie, Pueblo, Colo.—Construction permit to make changes in equipment *amended* to request an increase in power from 250 watts night, 500 watts day, to 500 watts day and night.

KGBU—Alaska Radio and Service Co., Inc., Ketchikan, Alaska—Construction permit to move transmitter and studio locally.

NEW—Montana Broadcasting Co., Freda Wessell, Secretary, Helena, Mont.—Construction permit to erect a new station **—1420 kc.**, 100 watts, unlimited time *amended* to request transmitter site to be determined.

KGIX—J. M. Heaton, Las Vegas, Nev.—Modification of 5-P-B-2660 as modified to extend completion date to 7-1-34.

KFBK—James McClatchy Co., Sacramento, Calif.—Construction permit to move transmitter; make equipment changes; change frequency from **1310 kc.** to **1490 kc.**, and increase power from 100 watts to 5 KW. *Amended* re equipment and Rule 6(f).

KGAR—Tucson Motor Service Co., Tucson, Ariz.—Construction permit to make changes in equipment.

NEW—Richard Field Lewis, Del Monte, Calif.—Construction permit to erect a new station to operate on **1210 kc.**, with power of 100 watts, daytime.

APPLICATIONS RETURNED

NEW—David Wroblewski, Brooklyn, N. Y.—Construction permit to erect a new station to operate on **1500 kc.**, power of 100 watts, S. H. Facilities station WMBQ. (Section 20 and Monitor.)

NEW—The Index Journal, Greenwood, S. C.—Construction permit to erect a new station to operate on **1200 kc.**, 100 watts, unlimited time. (Transmitter site, monitor and Rule 6.)

NEW—Harry C. Lowe and Clara A. Lowe, DuBois, Pa.—Construction permit to erect a new station to operate on **740 kc.**, **1210 kc.** or **1370 kc.**, 100 watts, daytime. (Sec. 14 and Rules 5 and 6.)

NEW—H. O. Solie—A. E. Huepers, Alvin, Tex.—Construction permit to erect a new station to operate on **1310 kc.**, power of 20 watts, unlimited, day, limited time. (Time, power, equipment and transmitter site.)

KLPM—John B. Cooley, Minot, N. Dak.—Construction permit to make equipment changes. (Unnecessary.)

NEW—Norman Baker, Muscatine, Iowa—Construction permit to erect a new station to operate on **850, 830, 780, 920, 1020** or **1170 kc.**, power 5 KW, full or part time. (Rules 5 and 6, equipment and transmitter site.)

WLEY—Albert S. Moffat, Lexington, Mass.—Construction permit to install new equipment. (Unnecessary.)

CNEW—Northern California Amusement Co., Inc., Yreka, Calif.—Construction permit to erect new station to operate on **1500 kc.**, power of 100 watts, unlimited time. (Rule 6, monitor and transmitter site.)

NEW—Dr. J. R. Burgess and George B. Bairey d/b as WHM Broadcasting Co., Helena, Mont.—Construction permit to erect new station to operate on **1420 kc.**, power of 100 watts, specified hours. (Rule 6 and equipment.)

The National Association of Broadcasters

NATIONAL PRESS BUILDING ★ ★ ★ ★ ★ WASHINGTON, D. C.

PHILIP G. LOUCKS, Managing Director

NAB REPORTS

★ ★ ★ ★ ★

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MEMBERSHIP PASSES 300 MARK

For the first time in the history of the NAB the membership of the Association passed the 300 mark. The actual number of active members on the date of this publication was 310.

The membership drive was started on April 9 with a communication to all non-members from headquarters and on the same date members were requested to contact by correspondence, telephone or personal visit non-members in their respective states.

Almost to a man members jumped into the campaign and cooperated in the effort to enlist 400 members before May 1. It was a splendid example of cooperation and an indication of the effectiveness of organized effort among broadcasters. Only in one instance was there any criticism of the work of the Association. One member felt that the NAB should broaden its program to include more activities for small stations.

Let's keep after the non-members. We must enlist 400 before May 1 and we can do it if we will all work together. And after we enlist 400 members we'll go after the rest.

TRADE COMMISSION CONFERENCES

Immediately upon his return from a vacation this week the Managing Director conferred with officials of the Federal Trade Commission in connection with a circular letter sent by the Commission to stations requesting copies of all continuities. Another conference will be held within the next few days after which a communication will be addressed to all stations covering the general subject. It is suggested that you await receipt of this memorandum before acting upon the Commission's request.

CODE AUTHORITY WILL MEET MAY 2

A meeting of the Code Authority for the Radio Broadcasting Industry will be held in Washington, D. C., May 2. The Code Authority will consider the recommendations of the NRA for shorter hours and increased wages. The meeting also will consider the report on broadcast technicians having to do with working conditions, and will further consider the questionnaire relating to radio performers. Complaints of alleged violations of trade practices will also be considered by the Code Authority.

DILL BILL FAVORABLY REPORTED

The Senate Committee on Interstate Commerce this week reported favorably to the Senate the Dill Communications Commission bill (S 3285). The Committee has adopted several important amendments to the bill as originally introduced by Senator C. C. Dill, chairman of the Committee.

At the present time the report is in the hands of the printer and copies are not available. A memorandum on the bill will be sent to all NAB members within a few days.

"Many of the changes made in the bill are technical and the new bill (S 3285) was introduced to avoid the necessity of detailed amendments for each one of these small changes," Senator Dill said. "In addition, several important changes have been made.

"The definition of 'interstate communication' has been altered so as to permit intrastate regulation of carriers where the line passes incidentally through another state.

"The definitions of 'parent' and 'affiliated person' have been eliminated because of the controversies as to any definition of control. Instead, where it is intended to reach parents, subsidiaries, and affiliated corporations, this bill uses the language 'persons directly or indirectly controlling, or controlled by, or under direct or indirect common control with any such carriers.' This will enable the Commission to determine the existence of such control.

"The Commission is reduced from seven to five members, appointed for six-year terms. This necessitates two divisions, one for radio and the other for telephone and telegraph, instead of the three divisions originally intended to be created.

"The Sections dealing with valuation and with extension of lines have been modified to meet changes suggested during the hearings. The Commission may authorize temporary or emergency service without regard to the provisions of this section.

"The section dealing with contracts between carriers and subsidiaries and affiliates has been modified so that the Commission is required to investigate all of these contracts and recommend to Congress whether or not the Commission should be given power to modify or declare void such contracts if not in the public interest.

"Likewise the Commission is directed to investigate and report on the desirability of permitting the states to set up independent accounting and depreciation systems; and also the desirability of having Congress allocate by law fixed percentages of radio facilities for educational, charitable, religious, labor and other non-profit organizations.

"Several questions of policy are yet to be decided by the full committee.

"This bill contains a new appeal section which provides for review in three-judge United States District Courts of orders of the Commission which revoke, modify or suspend radio station license. Refusals to grant applications for new stations or renewal of licenses, may be appealed to the Court of Appeals in the District of Columbia.

"The statute of limitation for reparation order has been shortened to one year in accordance with the recommendations of the Interstate Commerce Commission.

"The power of the President to take over communications systems has been limited to war or threat of war."

RESUME HEARINGS ON RAYBURN BILL

Hearings on the Rayburn Communications Commission bill will be resumed before the House Interstate and Foreign Commerce Committee next Tuesday.

Whether or not a communications commission bill will become law before the end of the present Congress depends upon whether the President will insist upon action. Upon his return from Florida last week the President called Senate and House leaders to the White House to discuss the legislative program for the remainder of the session. He listed six measures which he wants passed before adjournment and suggested May 15 as the adjournment date. The communication commission bill was not mentioned as one of the urgent measures.

Senator Dill is prepared to push his bill in the Senate and Chairman Rayburn has stated that he will press for House action in his measure before adjournment.

NEW EDUCATIONAL BILL IN HOUSE

Representative Brunner, of New York, has introduced a radio educational bill (H. R. 9121) which has been referred to the House Committee on Merchant Marine, Radio and Fisheries.

The bill provides "that to eliminate monopoly and to insure equality of opportunity and consideration for educational, religious, agricultural, labor, cooperative, and similar nonprofit-making associations, seeking the opportunity of adding to the cultural and scientific knowledge of those who listen in on radio broadcasts, the Commission shall require that all radio broadcasting stations allocate not less than one-fourth of their operating time to educational, religious, agricultural, labor, cooperative, and similar nonprofit-making associations. The facilities so allocated shall be equally desirable as those assigned to profit-making persons, firms, or corporations."

ANOTHER RADIO BILL INTRODUCED

A bill bas been introduced in the House (H. R. 9152) by Representative DeRouen, of Louisiana "to authorize the transfer of the Otter Cliffs Radio station on Mount Desert Island in the State of Maine as an addition to the Acadia National Park." The bill has been referred to the House Committee on Public Lands and is as follows:

"That upon tbe removal of tbe Otter Cliffs Radio Station and its relocation on lands within the Acadia National Park as authorized by the Act of April 22, 1932 (47 Stat. 91), the Secretary of the Navy shall be, and he is hereby, authorized and directed to transfer to the control and jurisdiction of the Secretary of the Interior as an additional to the Acadia National Park all that tract of land containing approximately twelve acres on Mount Desert Island in the State of Maine now occupied by and used by the Navy Department for the purposes of the said Otter Cliffs Radio Station."

FOUR NEW STATIONS AUTHORIZED

Tbe Commission, on Friday of the current week, granted four of the six applications before it for construction permits to erect new experimental bigh-fidelity broadcasting stations. The applications granted were:

Jobn V. L. Hogan, Long Island City, N. Y., 1550 kc., 1 KW, variable hours, including such part of the full 24-hour day as necessary for conduct of planned research.

American Republican, Inc., Waterbury, Conn., 1530 kc., 1 KW, Unlimited time.

Pioneer Mercantile Co., Inc., Bakersfield, Calif., 1550 kc., 1 KW, Unlimited time.

First National Television, Inc., Kansas City, Mo., 1530 kc., I KW, Unlimited time.

The applications of the Unity School of Christianity, Kansas City, Mo. (WOQ), and Christian & Wbiston, Norco, Calif., were denied.

The above applications were filed as a result of the Commission's action on Dec. 23, 1933, making available the frequencies of 1530, 1550, and 1570 kc to experimental broadcasting under severe technical restrictions. Eacb of the applications granted outlined programs of researcb in high fidelity broadcasting.

Tbe applications were heard by the Commission en banc on April 4, 1934.

ENGINEERING COMMITTEE MEETING

The NAB Engineering Committee met in Cincinnati on Saturday, April 14, to discuss metbods of increasing the fidelity of broadcast transmission. A tentative report was drawn up for presentation at the next joint meeting of the IRE-RAM-NAB engineering and broadcasting committees.

It was decided to hold an open meeting of the NAB Engineering Committee concurrent with the IRE convention in Philadelphia, May 28, 29 and 30.

Tbe meeting was called to order by J. A. Chambers, WLW, Chairman, and was attended by A. B. Chamberlain, WABC; C. W. Horn, WEAF, John E. Fetzer, WKZO, J. H. DeWitt, Jr., WSM; E. L. Gove, WHK; and J. C. McNaary, NAB.

MO. VALLEY BROADCASTERS' ASS'N

At the first meeting of the newly-organized Missouri Valley Broadcasters' Association, beld at the Hotel Cornhusker, Lincoln, Nebraska, April 11, it was recommended that all stations sbould be members of the NAB.

The MVBA officers are: President, Dietrich Dirks, KFAB; Vice-President, John J. Gillin, Jr., WOW; Secretary-Treasurer, Art Thomas, WJAG; Directors, Dick Dearmont, KFNF; and Harry Johnson, KMMJ. Stations KFAB, KFNF, KFOR, KGBZ, KGKY, KMMJ, KOIL, WJAG and WOW were represented at the first meeting.

APPEALS MICHIGAN DECISION

Herman Radner this week filed an appeal in the Court of Appeals of the District of Columbia against a decision of the Radio Commission denying him a construction permit for the erection of a proposed new broadcasting station at Lansing, Mich. He asked for a stay order against the Commission for permits granted to other applicants on the frequency of 1210 kilocycles.

URGES DENIAL PUERTO RICO STATION

Julio M. Conesa, applied to the Radio Commission for the construction of a broadcasting station at Ponce, Puerto Rico to use 1420 kilocycles, specified hours, 100 watts night and 250 watts LS. Ralph L. Walkar (e) in Report No. 550 tbis week recommended that the application be denied.

Says the Examiner, "the applicant has failed to make any showing whatsoever upon which a finding could be made that the granting of his application would serve public interest, convenience or necessity."

RECOMMENDS FULL TIME FOR WALA

Application was filed with the Commission by the Pape Broadcasting Company, successor to the Mobile Broadcasting Corporation, requesting authority to change the frequency of Station WODX (now WALA) Mobile, Ala., from 1410 to 1380 kilocycles, and to change its hours from sbaring with WSFA to unlimited. George H. Hill (e) in Report No. 548 this week recommends tbat the application be granted.

It was found by the Examiner tbat granting of the application would not cause "any appreciable increase of interference," and that "Station WALA is the only broadcast station whicb may be consistently received in the Mobile area." He found also that "the programs broadcast by the station are of a high order and of great value to the area served."

FAVORS FULL TIME FOR WMBD

Station WMBD, Peoria, applied to the Commission for full time on its present frequency of 1440 kilocycles; it now sbares time with WTAD, Quincy Ill., and also asked that its power LS be increased from 500 to 1,000 watts. WTAD asked for license renewal. Ralph L. Walker (e) in Report No. 549 this week recommends that WMBD application be granted and that tbe renewal application of WTAD be denied but that it be granted full time on 1310 kilocycles with 100 watts power.

The Examiner found that granting full time to WMBD "would permit it to improve and enlarge its present service to the public and at the same time result in an improved economic situation for the licenses." He found furtber that "it appears that tbe use of 1310 kilocycles with 100 watts power, unlimited time, at Quincy, Ill., will permit Station WTAD to render the service needed in tbe Quincy area."

MISSISSIPPI LAW TAXES ASCAP

The tax bill recently passed by the Mississippi Legislature imposes a tax of $1,000 annually upon "eacb person, as agent for anotber, or as tbe representative of anotber in any capacity, collecting, or attempting to collect, or receiving money or otber valuable consideration, for rights, royalty, rents, or fees on copyrighted music, books, recorded music for mecbanical reproduction, radio programs or patents."

SECURITIES ACT REGISTRATION

The following companies filed registration statements with tbe Federal Trade Commission under the Securities Act during the current week:

Financial Independence Founders, Inc., New York City, N. Y. (2-790).
Dominion Gas & Electric Company, Philadelpbia, Pa. (2-791).
Bowater's Canadian Paper Corporation, Limited, Montreal, Canada (2-792).
Knabb Barrel Company, Inc., Marcus Hook, Pa. (2-793).
Central States Power & Light Corporation, Chicago, Ill. (2-794).
Incorporated Investors Voting Trust, Boston, Mass. (2-795).
Incorporated Investors, Boston, Mass. (2-796).
Winfield P. E. Viering & Others, Boston, Mass. (2-797).
Thirty Federal Street Corporation, Boston, Mass. (2-798).
Bruce Consolidated Mining Company, Denver, Colo. (2-799).
Divid Pinski Books Inc., New York City, N. Y. (2-800).
Hummel-Ross Fibre Corporation, Hopewell, Va. (2-801).
2480 Broadway Corporation, New York City, N. Y. (2-802).
2480 Broadway Corporation, New York City, N. Y. (2-803).
Potomac-Maryland Debenture Corporation, Baltimore, Md. (2-804).
Mary Ann Gold Mines, Inc., Manito, Colo. (2-805).
Joseph Triner Beverage Corporation, Chicago, Ill. (2-806).
Christmann Brewing Company, New Lisbon, Wis. (2-807).
Middle Western Telephone Company, Park Ridge, Ill. (2-808).
Deemer Beach Amusement Associated, New Castle, Del. (2-809).

INFORMATION WANTED

Information on the whereabouts of Paul T. Gallup, formerly associated with WOL, is desired. Anyone having such information is requested to communicate with NAB Headquarters.

MADRID TREATY REPORTED

Senator Pittman has favorably reported from the Senate Committee on Foreign Relations "an international telecommunication convention, general radio regulations, and a separate radio protocol."

In making the report the Committee states that:

"The Committee on Foreign Relations, to which was referred an international communication convention, the general radio regulations annexed thereto, and a separate radio protocol, all signed by the delegates of the United States to the International Radio Convention at Madrid December 9, 1932, respectfully recommends the same to the Senate favorably, without amendment." The treaty has gone to the Senate calendar for further action.

COMMISSION TO MOVE SOON

The Federal Radio Commission will move from its present location at 18th and E streets, northwest, to the new Post Office Department Building, Pennsylvania Ave. and 12th street, northwest. The move will begin on April 28th.

The Commission has moved every year of its existence since 1927. Owing to the fact that it is moving into smaller quarters it is questionable how long it will remain at its new location, especially if a Communication Commission should be legislated into existence during the present session of Congress.

PLANS FOR FIFTH ANNUAL RADIO INSTITUTE

Plans have been completed for the fifth annual Institute, Education by Radio, which will be held at Columbus, Ohio, April 30 to May 2. Among the speakers are Governor White of Ohio; Dr. George W. Rightmire, Ohio State; H. V. Kaltenborn, news commentator; E. A. Corbett, University of Alberta, Canada; Miss Judith C. Waller, educational director NBC; James E. Pollard, Ohio State; C. H. Milan, American Library Association; Eugene J. Coltrane, National Committee on Education by Radio; A. Lee Henderson, Ohio Emergency Junior Radio College; Joseph F. Wright, president Association of College and University Broadcasting Stations; Dr. Herman S. Hettinger, University of Pennsylvania; Frederic A. Willis, educational director, CBS; H. B. McCarty, Station WHA; W. I. Griffith, Station WOI; Allen Miller, University of Chicago; H. M. Buckley, Cleveland, Ohio; Annas Higgins, Chicago, Ill.; Luther Meyer, San Francisco; Helen Johnson, American School of the Air; Philip G. Loucks, NAB; Grazella P. Shepherd, Cleveland College; Elmer G. Sulzer, University of Kentucky; E. B. Kurtz, University of Iowa.

FEDERAL RADIO COMMISSION ACTION

HEARING CALENDAR

Monday, April 23, 1934

KICK—Red Oak Radio Corp., Carter Lake, Iowa—Voluntary assignment of license; **1420 kc.**, 100 watts, unlimited time.

KICK—The Palmer School of Chiropractic, Carter Lake, Iowa—C. P., **1370 kc.**, 100 watts, unlimited time. (Requests authority to move to Davenport, Iowa.)

Wednesday, April 25, 1934

Hearing Before Commission en banc

WMAQ—National Broadcasting Co., Chicago, Ill.—C. P., **670 kc.**, 50 KW, unlimited time.

NEW—Robert Lowell Burch, Salem, Ore.—C. P., **1530 kc.**, 500 watts; Mon., Wed., Sat., 4:30 a. m. to 2 a. m.; Tues., Thurs., Sat., Sun., 7:45 a. m. to 12:45 a. m.

APPLICATIONS GRANTED

First Zone

None.

Second Zone

WLW—The Crosley Radio Corp., Cincinnati, Ohio—Granted special experimental authority to operate with 500 KW power, using transmitter of W8XO, for period ending August 1, 1934.

Third Zone

WSFA—Montgomery Broadcasting Co., Inc., Montgomery, Ala.—Granted special temporary authority to operate simultaneously with Station WALA from 6:15 p. m. to 12 midnight, CST, April 23, 24, 25, 26, 27, 28, 29, and 30, 1934, with 250 watts power.

WALA—Pape Broadcasting Corp., Inc., Mobile, Ala.—Granted special temporary authority to operate simultaneously with WSFA from 6:15 p. m. to 12 midnight, CST, April 23, 24, 25, 26, 27, 28, 29, and 30, 1934, with 250 watts power.

WHEF—J. Niles Boyd Wholesale Grocery Co., J. O. Ashworth, J. R. Smithson, d/b Attala Milling & Produce Co., Kosciusko, Miss.—Granted consent to voluntary assignment of C. P. from J. Niles Boyd Wholesale Grocery Co., J. O. Ashworth, J. R. Smithson, to Attala Broadcasting Corp.

WTOC—Savannah Broadcasting Co., Inc., Savannah, Ga.—Granted C. P. to install new equipment and increase day power to 1 KW, and set for hearing application to increase night power to 1 KW.

Fourth Zone

KSO—Iowa Broadcasting Co., Des Moines, Iowa—Application to change frequency from **1370 kc.** to **1320 kc.** and increase power from 100 watts night, 250 watts LS, to 250 watts, withdrawn from hearing docket and granted. (Judge Sykes dissented.)

WILL—University of Illinois, Urbana, Ill.—Granted special temporary authority to operate simultaneously with Station KUSD on June 11, from 10:30 a. m. to 12:30 p. m., CST, provided KFNF remains silent.

KUSD—University of South Dakota, Vermillion, S. Dak.—Granted special temporary authority to operate simultaneously with Station WILL on June 11, from 10:30 a. m. to 12:30 p. m., CST, provided KFNF remains silent.

Fifth Zone

KFPY—Symons Broadcasting Co., Spokane, Wash.—Granted special temporary authority to operate station without an approved frequency monitor for period of not more than 2 weeks from April 20.

KGHF—Curtis P. Ritchie, Pueblo, Colo.—Granted C. P. to make changes in equipment and increase power from 250 watts night, 500 watts day, to 500 watts. (Judge Sykes voted to set application for hearing.)

KNX—Western Broadcast Co., Los Angeles, Calif.—Granted modification of license to increase power from 25 KW to 50 KW, effective April 27, 1934.

SET FOR HEARING

WAWZ—Pillar of Fire, Zarephath, N. J.—Granted renewal of license on temporary basis subject to such action as the Commission may take on renewal application now pending before it, designated for hearing.

WBNX—Standard Cahill Co., Inc., New York—Granted renewal of license on temporary basis subject to such action as the Commission may take on renewal application now pending before it, designated for hearing.

NEW—Joseph Pappalardo, Methuen, Mass.—C. P. for new station; **1120 kc.**, 500 watts, daytime.

NEW—D. J. Burton and L. C. Davis, Temple, Tex.—C. P. for new station; **990 kc.**, 250 watts, daytime.

WDGY—Dr. Geo. W. Young, Minneapolis, Minn.—C. P. to make changes in equipment, increase day power from 1 KW to 2½ KW (1 KW night), and change hours of operation from limited to unlimited, to be heard before the Commission en banc on June 6.

WEAN—Shepard Broadcasting Service, Inc., Providence, R. I.—Modification of license to increase power from 250 watts night, 500 watts day, and additional 250 watts night on experimental basis, to 500 watts (to remove experimental clause which expires September 1, 1934).

WBNX—Standard Cahill Co., Inc., New York—Special experimental authority to increase power from 250 watts to 500 watts for 60 days.

WAAT—Bremer Broadcasting Corp., Jersey City, N. J.—Application for renewal of license designated for hearing.

NEW—S. George Webb, Newport, R. I.—Application for new station at Newport redesignated for hearing because application has been amended to request unlimited time on **1200 kc.**

WBAA—Bay State Broadcasting Corp., Boston, Mass.—Application for modification of license redesignated for hearing on bill of particulars dated December 7, 1933, since amended application involves portion of facilities of WKBF.

KQV—KQV Broadcasting Co., Pittsburgh, Pa.—Renewal application designated for hearing to see if broadcasts are in the public interest.

MISCELLANEOUS

WGBI—Scranton Broadcasters, Inc., Scranton, Pa.—C. P., **880 kc.**, 1 KW, to share with WQAN, heretofore set for hearing, was dismissed at request of applicant.

NEW—Victor Beverly Pitts, Raton, N. Mex.—C. P., **1500 kc.**, 100 watts, daytime, heretofore set for hearing, was dismissed at request of applicant.

RATIFICATIONS

WSMK—Stanley M. Krohn, Jr., Dayton, Ohio—Granted extension of special temporary authority to operate simultaneously with KQV from 7:15 p. m. to 12 midnight, for period beginning April 15 and ending not later than May 1, 1934.

KQV—KQV Broadcasting Co., Pittsburgh, Pa.—Granted extension of special temporary authority to operate simultaneously with WSMK from 7:15 p. m. to 12 midnight, for period beginning April 15 and ending not later than May 1, 1934.

APPLICATIONS RECEIVED

First Zone

WLEY—Albert S. Moffat, Lowell, Mass.—Construction permit to move transmitter and studio from Lexington, Mass., to Lowell, Mass.

WEBR—Howell Broadcasting Co., Inc., Buffalo, N. Y.—Construction permit to change frequency from **1310 kc.** to **630 kc.**; increase power from 100 watts, 250 watts LS, to 500 watts; make changes in equipment; and move transmitter from Larkin Terminal Building, Seneca and Van Rensselaer Streets, Buffalo, N. Y., to Abbott Road, Lackawanna, N. Y.

WAAT—Bremer Broadcasting Corp., Jersey City, N. J.—License to cover 1-P-B-2450, as modified, to increase power, make changes in equipment, and move transmitter locally.

WSAR—Doughty & Welch Electric Co., Inc., Fall River, Mass.—License to cover construction permit granted 12-15-33 to move transmitter and studio.

Second Zone

WHP—WHP, Inc., Harrisburg, Pa.—Modification of license to operate additional specified hours (WBAK hours of operation which will expire 5-1-34).

WIBG—WIBG, Inc., Glenside, Pa.—Construction permit to change equipment; increase power from 100 watts to 500 watts; change time of operation from day to unlimited; move transmitter to Whitpain Township, Washington Square Heights, Pa., and studio to Broad and Walnut Streets, Philadelphia, Pa.

WHBD—F. P. Moler, Mount Orab, Ohio—Consent to voluntary assignment of license to Veebee Corporation.

WKZO—WKZO, Inc., Kalamazoo, Mich.—Construction permit to move transmitter, exact site to be determined; change equipment; change hours of operation from daytime to unlimited time and power from 1 KW LS to 500 watts, 1 KW LS. Amended to request power of 250 watts, 1 KW LS.

WKBO—Keystone Broadcasting Corp., Harrisburg, Pa.—Construction permit to install new equipment and move transmitter and studio locally.

Third Zone

NEW—Virgil V. Evans, Spartanburg, S. C.—Construction permit to erect new station to operate on **920 kc.**, power of 1 KW, daytime. Amended to request authority to erect new station instead of making changes in Station WSPA.

WEED—William Avera Wynn, Greenville, N. C.—Construction permit to move transmitter to 528 S. Vyne Street, Rocky Mount, N. C. Amended to move transmitter to 2.3 miles from business center of Rocky Mount, N. C. (Studio: N. E. Main Street, Rocky Mount).

WROL—Stuart Broadcasting Corp., Knoxville, Tenn.—Special experimental authorization to change frequency from **1310 kc.** to **1050 kc.** (clear) or **1010 kc.** (regional), and to increase power from 100 watts to 250 watts, using directional antenna (contingent upon the decision on Station WIS).

WDNC—Durham Radio Corporation, Durham, N. C.—License to cover construction permit granted 2-2-34 to move transmitter and studio, make changes in equipment, change frequency from **1370 kc.** to **1500 kc.**, and change corporate name.

NEW—Ark-La-Tex Radio Corp., Laurel, Miss.—Construction permit to erect new station to operate on **1310 kc.**, power of 100 watts, S. H. facilities Station WAML.

NEW—Samuel Nathanuel Morris, Stamford, Tex.—Construction permit to erect a new station to operate on **1420 kc.**, power of 100 watts, S. H. facilities Station KFPL. Amended re hours of operation and facilities.

Fourth Zone

WBAA—Purdue University, W. Lafayette, Ind.—Modification of license to make changes in specified hours of operation, facilities WKBF. Amended to make additional changes in hours of operation (power 500 watts, 1 KW LS).

WJJD—WJJD, Inc., Chicago, Ill.—Construction permit to install new equipment.

WMBH—W. M. Robertson, Joplin, Mo.—Consent to voluntary assignment of license to Joplin Broadcasting Company.

WCAL—St. Olaf College, Northfield, Minn.—Construction permit to increase power from 1 KW to 1 KW, 2½ KW LS; also make changes in equipment. To be considered under Rule 6 (g).

WHB—WHB Broadcasting Co., Kansas City, Mo.—Special experimental authorization to operate on **1120 kc.** with power of 500 watts, local sunset to midnight, except time when WTAW is operating.

Fifth Zone

KVOS—KVOS, Inc., Bellingham, Wash.—Construction permit to move transmitter and studio locally.

KVL—KVL, Inc., Seattle, Wash.—License to cover 5-P-B-3139 to move studio and transmitter locally.

NEW—W. L. Gleeson, Sacramento, Calif.—Construction permit to erect new station to operate on **1490 kc.**, power of 5 KW, unlimited time. Amended to request transmitter and studio locations to be in Sacramento, Calif., instead of Salinas, Calif.

APPLICATIONS RETURNED

KFKA—The Mid-Western Radio Corp., Greeley, Colo.—Construction permit to move transmitter and studio to Cheyenne, Wyo., change operating frequency to **780 kc.**, and increase power to 1 KW (applicant's request); also change time to unlimited.

KFPM—Houston Printing Company, Houston, Tex.—Modification of license to increase power to 5 KW. (Sec. 3b.)

WCNW—Arthur Faske, Brooklyn, N. Y.—License to cover construction permit granted 2-13-34 to move transmitter and install new equipment. (Incomplete.)

NEW—Ben Parker, Breckenridge, Tex.—Construction permit to erect a new station to operate on **960 kc.**, power of 10 watts, S. H. (Rule 6, frequency monitor; equipment.)

WTBO—Associated Broadcasting Corp., Cumberland, Md.—Construction permit to install new equipment. (Improper request.)

KARK—Arkansas Radio and Equipment Co., Little Rock, Ark.—Modification of license to increase power from 250 watts to 250 watts, 500 watts LS. (Not signed.)

KGY—KGY, Inc., Olympia, Wash.—Special experimental authorization to operate additional specified hours. (Section 5 (a) and jurat.)

KFIZ—Reporter Printing Co., Fond du Lac, Wis.—Modification of license to change frequency from **1420 kc.** to **1310 kc.** (Rule 49.)

WKZO—WKZO, Inc., Kalamazoo, Mich.—Modification of license to change hours of operation from daytime to unlimited time and change power from 1 KW LS to 500 watts, 1 KW LS. (Applicant's request.)

The National Association of Broadcasters

NATIONAL PRESS BUILDING ★ ★ ★ ★ ★ WASHINGTON, D. C.

PHILIP G. LOUCKS, Managing Director

NAB REPORTS

★ ★ ★ ★ ★

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NAB BOARD MEETING MAY 14

President Alfred J. McCosker has called a regular meeting of the Board of Directors of the NAB to be held at Washington, D. C., May 14. The agenda for the meeting will be prepared at a meeting of the Executive Committee to be held next week and will include a number of important problems. Copyright will be one of the principal matters to be discussed at the meeting.

New members who have enrolled since the time of the Convention will be approved by the Board.

The Board also will consider a time and place for the 1934 NAB Convention. Some fifty cities have extended invitations for the 1934 meeting.

DILL ASKS A. T. AND T. INVESTIGATION

A broad investigation of the American Telephone and Telegraph Company by the Senate Interstate Commerce Committee is sought in a resolution introduced in the Senate on April 26 by Senator Dill, chairman of the Committee. The investigation would extend to the subsidiaries, affiliates and other concerns in which the telephone company has a direct financial interest or exercises control.

The text of the resolution follows:

Resolved, That the Committee on Interstate Commerce, or any duly authorized subcommittee thereof is hereby authorized and directed to make a thorough and complete investigation of the operations, relationships, and activities of the American Telephone & Telegraph Co., its subsidiaries, affiliates, and other concerns in which it or they have any direct or indirect financial interest or in which any of its officers or directors hold any office or exert any control and shall report to the Senate the facts as ascertained and make recommendations for such legislation as the committee deems desirable.

In making said investigation, the committee shall, among other things, investigate and report particularly on the following subjects:

(1) The financial structure and relationship of the company and its subsidiaries and affiliates and the extent to which its holding company structure enables it to evade regulation or taxation; the extent of interservice contracts between the American Telephone & Telegraph Co. and its subsidiary companies, and particularly contracts with the Western Electric Co. and other manufacturers of electrical communication equipment, if any; also the sale prices of telephone equipment to telephone operating companies, the profits upon such sales, and the effect of such sales upon the rate base of operating companies when used as a basis for telephone charges in the various states; and the probable savings by telephone operating companies purchasing equipment under a system of competitive bidding;

(2) The activities of and expansion by the company and its subsidiaries and affiliates into fields other than telephone communication, including teletype service, telephoto service, broadcasting, motion-picture distribution, and the manufacture of electrical equipment;

(3) The methods of competition with other companies and industries, with reference to equality of service, reasonableness of rates, both local and long distance, depreciation accounting practices, discriminatory practices, suppression of patents, method of accounting for royalties accruing on patents, sale, and refusal to sell equipment to competing companies, maintenance of exhorbitantly high prices because of monopolistic control, and particularly the relationship of the company with Electrical Research Products, Inc., and its relation to independent motion-picture organizations, and its practices in the interests of the company;

(4) The extent to which local subscribers have borne the cost of the research developments for long-distance appliances, radio, motion-picture, and other inventions not related to the improvement of local service;

(5) The reasons for voluntary reductions in long-distance charges and the failure to reduce local charges during the past few years of generally falling prices;

(6) Its relation as an employer with its employees, and the extent of its reduction in number and wages of employees while maintaining exorbitant salaries for high officials and a continuous high dividend rate; and

(7) The methods whereby the company or its subsidiaries or affiliates or its officers or directors have sought through propaganda, or the expenditure of money, or the control of channels of publicity to influence or control public opinion or elections.

That the said committee is hereby authorized to sit and perform its duties at such times and places as it deems necessary or proper and to require the attendance of witnesses by subpœnas or otherwise; to require the production or inspection of all accounts, books, papers, and documents; and to employ counsel, experts, and other assistants, and stenographers at a cost not exceeding 25 cents per hundred words. The chairman of the committee, or any member thereof, may administer oaths to witnesses and sign subpœnas for witnesses; and every person duly summoned before said committee, or any subcommittee thereof, who refuses or fails to obey the process of said committee, or appears and refuses to answer questions pertinent to said investigation, shall be punished as prescribed by law. The expenses of said investigation shall be paid from the contingent fund of the Senate on vouchers of the committee or subcommittee, signed by the chairman and approved by the Committee to Audit and Control the Contingent Expenses of the Senate, not to exceed $25,000.

COPELAND BILL PASSED OVER

The Copeland bill to amend the food and drug act (S. 2800) was reached on the Senate calendar on April 25 but upon objection by Senator Adams, Senator McKellar and several other senators the bill was passed over. Senator Copeland has stated that he intends to call up the bill for the Senate's consideration at the earliest possible date.

DILL BILL TO BE CONSIDERED

Early consideration of the Dill Communications Commission bill by the Senate was predicted here following announcement by Senate leaders that the bill is one of the measures which will be acted upon by the Senate before adjournment, set tentatively for May 15.

While the bill (S. 3285) includes some of the suggestions offered by the NAB at public hearings on the measure there are additional amendments which should be included in the measure before it is acted upon finally by the Senate. A memorandum setting forth these amendments has been sent by the NAB to each member of the Senate.

The Dill bill was reached on the Senate calendar on April 26 but both Senator McKellar and Senator Dill asked that it go over because time was not available for its consideration. No definite time has been fixed for consideration of the bill but it is expected that Senator Dill will call up the bill at the first convenient time.

BLAND ASKS RULE FOR S. 2660

Representative Bland, of Virginia, chairman of the House Committee on Merchant Marine, Radio and Fisheries, has introduced a resolution in the House (H. Res. 353) asking that the House take up S. 2660. The resolution has been referred to the House Committee on Rules. The bill (S. 2660) which was introduced by Senator Dill and which has already passed the Senate, deals with the use of studios in the United States when the station transmitter is in a foreign country.

CUTTING BILL HEARINGS INDEFINITE

Hearings on the Cutting bill to make possible the entrance of the United States into the International Copyright Union are still indefinite. The NAB has asked for hearings on the measure and the request has been referred to a subcommittee of the Senate Foreign Relations Committee which has the bill in charge. Many other industries interested in revision of the copyright laws have also asked to be heard on the measure.

RAYBURN BILL HEARINGS POSTPONED

No definite date has been fixed by the House Committee on Interstate and Foreign Commerce for resumption of hearings on the Rayburn Communications Commission bill. The bill which would create a Federal Communications Commission and coordinate existing law relating to radio, telephone, telegraph and cable communications is an attempt to follow out the desires of President Roosevelt for consolidation of existing statutes and central administration. Chairman Rayburn intends to complete hearings on the measure, commenced several weeks ago, and may press for House action on his measure before adjournment. The NAB is among the interests to be heard on the measure when hearings are resumed.

CODE AUTHORITY MEETING, MAY 2

The Code Authority for the Radio Broadcasting Industry will hold a meeting in Washington, D. C., beginning Wednesday, May 2.

NRA EXEMPTS 24 STATIONS FROM CODE

Because they are not engaged in commercial broadcasting, the NRA, upon recommendation of the Code Authority for the Radio Broadcasting Industry, exempted 24 stations this week. The order was signed on April 24 and provides that "any objections to said order granting exemptions must be filed with Deputy Administrator William P. Farnsworth, Room 4221, Commerce Building, Washington, D. C., prior to March 4, 1934." A list of the exempted stations follows: WKAR, East Lansing, Mich.; KPOF, Denver, Colo.; WAWZ, Zarephath, N. J.; WILL, Urbana, Ill.; WLBL, Stevens Point, Wis.; WOSU, Columbus, Ohio; WMBI, Chicago, Ill.; KUSD, Vermillion, S. Dak.; KFDY, Brookings, S. Dak.; KWLC, Decorah, Iowa; WCAT, Rapid City, S. Dak.; WOI, Ames, Iowa; WTAW, College Station, Texas; WSUI, Iowa City, Iowa; KOAC, Corvallis, Ore.; WLB, Minneapolis, Minn.; WBAK, Harrisburg, Pa.; WCAD, Canton, N. Y.; KSAC, Manhattan, Kan.; KSAJ, Grove City, Pa.; WBAA, LaFayette, Ind.; KFSG, Los Angeles, Calif.; KBPS, Portland, Ore.; KWSC, Pullman, Wash.

NAB COMMERCIAL MEETING IN JUNE

Arrangements are being made for the open meeting of the NAB Commercial Committee to be held in New York next June in conjunction with the annual meeting of the Advertising Federation of America. All NAB members will be invited to attend the meeting. The program will be announced in the near future.

MEXICO SHIFTS FREQUENCIES

Advices from Mexico City received this week by the State Department and the Federal Radio Commission this week report a complete re-allocation of broadcasting frequencies in Mexico. The new assignments evidently are designed to end split-channel operation. The re-allocation was to have become effective April 7.

ENGINEERING COMMITTEE MEETING

In accord with a plan evolved at the last NAB Engineering Committee meeting in Cincinnati, April 14, an open meeting of the committee will be held in conjunction with the IRE convention. The IRE convention is scheduled for May 28, 29, and 30 at the Benjamin Franklin Hotel, Philadelphia, Pa. The open meeting will be held in the LaFayette Room, Benjamin Franklin Hotel, on Monday, May 28, at 4 p. m. Invitations will be sent to all member stations and a large attendance is anticipated.

ANPA APPROVES RADIO-PRESS PACT

The program of the radio-press bureau was approved by the American Newspaper Publishers Association at its annual meeting held in New York this week. The program was outlined to the association's membership by Ed. Harris of Richmond, Ind., chairman of the National Publishers Radio Committee. The publishers' approval of the program marks an important step in the radio-press cooperative movement.

RECOMMENDATIONS ON TEXAS STATIONS

Station KRGV, Harlingen, Texas, applied to the Radio Commission to change its hours from sharing equal time with KWWG, Brownsville, Texas, to unlimited time, requesting the facilities of the latter station. KWWG asked for license renewal and also for consent to voluntary assignment of its license to the Port Arthur College. The college asked for authority to move the equipment from Brownsville to Port Arthur, Texas, and requested the facilities of KWWG. George H. Hill (e) in Report No. 552 this week recommended that the application of KRGV be granted for full time; and that the application of KWWG both for license renewal and for voluntary assignment be denied. He also recommended that the college application for a construction permit be denied.

KSEI APPEALS TO COURTS

Station KSEI, Pocatello, Idaho, this week filed an appeal in the Court of Appeals of the District of Columbia against the Radio Commission because of a decision rendered March 23. The station also filed a motion to stay. The station had operated on a frequency of 900 kilocycles and was granted a construction permit by the Commission to use 890 kilocycles. However, when it came time to issue a license, Station KFPY, Spokane, Wash., intervened, and was granted the use of 890 kilocycles, for which reason KSEI was ordered back on its old frequency of 900 kilocycles. It is against this decision that the station is appealing.

RECOMMENDATIONS FOR ILLINOIS STATIONS

Station WGES, Chicago, applied to the Commission for the use of unlimited time on its present frequency of 1360 kilocycles instead of 3/7ths time and also asked for special temporary authorization. Station WCBD, Zion, Ill., asked for license renewal. George H. Hill, (e) in Report No. 551 this week recommended that the application of WGES for modification of license "be dismissed with prejudice" and that the application of WCBD for renewal of license be granted. The Examiner states that "no evidence was offered in support of any of the three applications involved in this case when they were called for hearing before the Examiner on April 12, 1934." He points out that the application of Station WGES was granted by the Commission on February 27 for a period not to exceed 28 days.

RADIO COMMISSION MOVE DELAYED

There has been a delay in moving the offices of the Federal Radio Commission from 18th and E Streets, northwest, to the new Post Office Department Building, 12th Street and Pennsylvania Avenue, northwest. The Commission was to have moved on April 28, but the move was delayed a week because of a misunderstanding about the number of rooms it is to occupy.

FORWARDS ADDRESS

Recently the NAB Reports carried an item asking for the address of Paul T. Gallup. Mr. Gallup immediately replied stating that he can be reached at Hamilton Bank Building, Knoxville, Tenn.

NBC PROMOTES BILL HEDGES

William S. Hedges, former president of the NAB and at present member of the NAB Board of Directors, has been promoted to the post of manager of all NBC managed and operated stations. Prior to the promotion, Hedges was manager of Station KDKA, Pittsburgh, Pa., and before assuming the latter post he was head of Station WMAQ, Chicago, Ill., which station he founded. The NBC also announced that C. L. McCarthy of the NBC Pacific Coast Division will become manager of NBC affiliated stations section. Both Hedges and McCarthy will make their headquarters in New York and will serve in the department headed by Donald Withycomb.

STUDENTS ENDORSE AMERICAN SYSTEM

Complete opposition to the adoption of the essential features of the British system of radio operation and control in this country, and the enthusiastic endorsement of the present American system of broadcasting was voiced in the resolutions adopted by the First Annual Conference for Senior High School Students held on the campus of George Washington University, Friday and Saturday, April 13 and 14. Approximately 150 students from Washington and vicinity participated in the conference.

Among the resolutions adopted by the conference were the following:

"Resolved: That American programs are not generally inferior to British programs.

"That it is not necessary to change our system of radio control in order to develop superior programs.

"That a disproportionate amount of time is not devoted to advertising, either in the sense of the volume of commercially sponsored programs or the amount of time devoted to advertising announcements on commercial programs.

"That advertising over the radio is not objectionable except in minor elements.

"That the commercial broacasting, by reason of its competitive elements, leads to superior rather than inferior programs.

"That the American system of commercially supported broadcasting does not increase the cost of advertised products, but, insofar as advertising fosters mass sales, lower unit costs and consequent lower prices, and in so far as radio is a particularly effective advertising medium, radio advertising may actually lower the cost of goods to the individual consumer.

"That the adoption of the British system would not eliminate such shortcomings as may exist in the American broadcasting. It would completely destroy its great constructive value, in addition to creating evils even more serious of its own. We feel that the possibility of political control of a government-owned system to be one of the major evils which the British method may entail."

N. Y. STATE COMMITTEE ACTIVE

The New York State Committee of Broadcasters, headed by Harold E. Smith, WOKO, Albany, N. Y., has been active during the present session of the New York Legislature. A barrage of legislation has faced this Committee and under the able direction of Chairman Smith all New York stations were kept informed of all legislation affecting broadcasting in the state and were asked to cooperate in the committee's legislative program. Among the bills were measures requiring licensing and bonding for booking agencies and limiting such agencies to 5 per cent commission; levying a 2 per cent tax on gross receipts of stations; levying a 10 per cent tax on gross income from all amusement enterprises; providing for removal of public officers who by radio or otherwise dramatize any criminal person or persons; and requiring a specific type of suppressor on neon signs which are detrimental to radio reception.

CHARLESWORTH TO ADDRESS EDUCATORS

Hector Charlesworth, chairman of the Canadian Radio Commission, will be one of the principal speakers at the conference on the "Use of Radio as a Cultural Agency in a Democracy" to be held in Washington May 7 and 8 under the auspices of the National Committee on Education by Radio. Dr. Arthur E. Morgan, chairman of the TVA, and Dr. John Dickinson, assistant secretary of the Department of Commerce, and Dr. George F. Zook, U. S. Commissioner of Education, are among the speakers. The chairman of the National Committee on Education by Radio is Dr. Joy Elmer Morgan, editor of the *Journal of the National Education Association.*

PROPOSE 1,000,000-WATT STATION

The Universal Broadcasting Station COD, to be erected at Havana, Cuba, has circularized stations in the United States asking financial assistance. The station is to have 1,000,000 watts power and to operate on a frequency of 690 kilocycles. It is stated that the proposed owners and operators, J. E. Mojarrieta and associates, have underwritten or invested one-half of the total estimated cost of the proposed station placed at one million dollars. The station is now soliciting advertising contracts at its published basic rate of $2,000 per hour.

ADVISES OF COPYRIGHT PRIVILEGES

The Managing Director has received a communication from the Stoner Music Publishers, Cleveland, Ohio, stating that this publisher has sent copies of a song entitled "In The Swing Beneath The Old Oak Tree" to various orchestra leaders and radio artists.

"This song may be played and sung on the networks and independent stations at all times, freely and without the payment of copyright fees," says the letter signed by Frank Stoner.

CBS ISSUES BROADCASTING BIBLIOGRAPHY

A bibliography of broadcasting has been prepared by John Karol, Director of Market Research of the CBS. It first gives a list of books on radio divided into the following classifications: general radio technic, education, foreign broadcasting, and those books containing articles or chapters devoted to radio. The book also gives a list of radio magazines and periodicals containing radio sections, and also a list of British publications.

SECURITIES ACT REGISTRATION

The following companies filed registration statements with the Federal Trade Commission under the Securities Act during the current week:

International Depositors Corporation, Denver, Colo. (2-810).
Gold Bell Mining Co., Ltd., Red Rock, Ariz. (2-811).
Moulded Pulp Corporation, New York City, N. Y. (2-812).
Great Divide Mining Corporation, New York City, N. Y. (2-813).
Regent Co., Boston, Mass. (2-814).
Dayton Keith and Others, Boston, Mass. (2-815).
Committee for Woods Brothers Corporation 10-year 6 per cent Collateral Trust Sinking Fund Gold Bonds due April 1, 1937, New York City, N. Y. (2-816).
Bondholders' Protective Committee for First Mortgage 4½ per cent Gold Bonds due March 1, 1934, of Rock Island, Arkansas and Louisiana Railway Company, New York City, N. Y. (2-817).
Bondholders' Protective Committee of Sierra Railway Company of California, San Francisco, Calif. (2-818).
Phoenix Gold Mining Corporation, Reno, Nev. (2-819).
Columbia Mining Corporation of America, Wilmington, Del. (2-820).
Alaskan Mayfield Mines, Inc., Cordova, Alaska (2-821).
Bondholders' Committee, Mercantile Arcade Realty Corporation, New York City (2-822).
National Monthly Income Shares, Inc., New York City (2-823).
American Boy Recreations, Inc., Buffalo, N. Y. (2-824).
Limited Bancshares, Inc., New York City (2-825).
Pennsylvania Investing Company, Philadelphia, Pa. (2-826).
Durango Gold, Inc., Durango, Colo. (2-827).
Union Deposit Company, Denver, Colo. (2-828).
Bondholders' Protective Committee of Alabama Farms Company, San Francisco, Calif. (2-829).
Managed Estates, Philadelphia, Pa. (2-830).
Mecca Metals Company, Troy, Mont. (2-831).
Calton Crescent, Inc., New York City (2-832).

Stephen G. Duncan and others, Philadelphia, Pa. (2-833).
Nicholson Terminal & Dock Company, Ecorse, Mich. (2-834).
Mining & Development Corporation, Wilmington, Del. (2-835).
W. R. Duke, Wichita Falls, Texas (2-836).
Llewellyn Laboratories, Inc., Philadelphia, Pa. (2-837).
Commodores Point Terminal Corporation, Jacksonville, Fla. (2-838).
Sinaloa Premier Mines Company, San Francisco, Calif.

FEDERAL RADIO COMMISSION ACTION

HEARING CALENDAR

Monday, April 30, 1934

WLBW—Broadcasters of Pennsylvania, Inc., Erie, Pa.—Modification of license, **1260 kc.**, 1 KW, unlimited time. Present assignment, **1260 kc.**, 500 watts, 1 KW LS.

NEW—E. L. Landsberg and K. V. Martin, Las Vegas, Nev.—C. P., **1420 kc.**, 100 watts, unlimited time (facilities KGIX).

KGIX—J. M. Heaton, Las Vegas, Nev.—Renewal of license, **1420 kc.**, 100 watts, specified hours.

Thursday, May 3, 1934

WLBF—WLBF Broadcasting Co., Kansas City, Kans.—Modification of license, **1310 kc.**, 100 watts, unlimited time. Present assignment, **1420 kc.**, 100 watts, unlimited time.

APPLICATIONS GRANTED

First Zone

WNBX—WNBX Broadcasting Corp., Springfield, Vt.—Granted C. P. to make changes in equipment and increase power from 250 to 500 watts; no change in frequency (**1260 kc.**) or hours of operation (daytime).

WDRC—WDRC, Inc., Hartford, Conn.—Granted C. P. to make changes in equipment and increase day power to 2½ KW.

WFEA—N. H. Broadcasting Co., Manchester, N. H.—Granted special experimental authority to operate on **1430 kc.** instead of **1340 kc.**, unlimited time and simultaneously with WOKO, WHP, WBNS, and WHEC, until July 1, 1934. Also granted modification of C. P. to extend completion date from May 2 to July 1, 1934.

Second Zone

WHP—WHP, Inc., Harrisburg, Pa.—Granted modification of license for additional time (hours heretofore used by WBAK, which station will be discontinued effective May 1, 1934).

WHBD—F. P. Moler, Mt. Orab, Ohio—Granted consent to voluntary assignment of license to Veebee Corp.

Third Zone

WDBO—Orlando Broadcasting Co., Inc., Orlando, Fla.—Granted special experimental authority to increase day power to 1 KW, and set for hearing the application to increase night power to 500 watts.

WBRC—Birmingham Broadcasting Co., Inc., Birmingham, Ala.—Granted authority to determine operating power by direct antenna measurement.

WRGA—Rome Broadcasting Corp., Rome, Ga.—Granted C. P. to move transmitter and studio locally.

Fourth Zone

KSTP—National Battery Broadcasting Co., St. Paul, Minn.—Granted extension of special experimental authority to 11-1-34 to operate with 25 KW daytime only.

KSTP—National Battery Broadcasting Co., St. Paul, Minn.—Granted license covering changes in equipment; **1460 kc.**, 10 KW, unlimited time.

WHBL—Press Publishing Co., Sheboygan, Wis.—Granted license covering changes in equipment; **1410 kc.**, 500 watts, S-WROK.

KFAB—KFAB Broadcasting Co., Lincoln, Nebr.—Granted modification of special experimental authority to operate synchronously with WBBM from 8:30 to 9:30 p. m. until April 29, and 7:30 to 8:30 p. m. from April 29 to August 1, 1934.

WBBM—WBBM Broadcasting Co., Chicago, Ill.—Granted modification of special experimental authority to operate synchronously with KFAB from 8:30 to 9:30 p. m. until April 29, and 7:30 to 8:30 p. m. from April 29 to August 1, 1934.

WJJD—WJJD, Inc., Chicago, Ill.—Granted C. P. to install new equipment.

WDAF—Kansas City Star Company, Kansas City, Mo.—Granted authority to determine operating power by direct antenna measurement.

Fifth Zone

KPJM—Scott & Sturm, Prescott, Ariz.—Granted license covering changes in equipment and move of transmitter and studio locally; **1500 kc.**, 100 watts, unlimited time.

KTFI—Radio Broadcasting Corp., Twin Falls, Idaho—Granted license covering local move of transmitter and studio; **1240 kc.**, 500 watts night, 1 KW day; unlimited time.

KGBU—Alaska Radio & Service Co., Inc., Ketchikan, Alaska—Granted C. P. to move transmitter and studio locally in Ketchikan.

KGAR—Tucson Motor Service Co., Tucson, Ariz.—Granted C. P. to make changes in equipment.

KPCB—Queen City Broadcasting Co., Seattle, Wash.—Granted C. P. to make changes in equipment and increase power from 100 to 250 watts.

KGIX—J. M. Heaton, Las Vegas, Nev.—Granted modification of C. P. extending completion date to July 1, 1934.

SET FOR HEARING

NEW—Federal Broadcasting Corp., New York City—C. P., **810 kc.**, 500 watts, limited time (facilities WNYC).

NEW—A. L. Boykin, tr. as Tallahassee Broadcasting Co., Tallahassee Broadcasting Co., Tallahassee, Fla.—C. P., **1310 kc.**, 100 watts, unlimited time.

NEW—Abraham Shapiro, Astoria, Ore.—C. P., **1370 kc.**, 100 watts, unlimited time.

KSTP—National Battery Broadcasting Co., St. Paul, Minn.—Modification of license to increase power from 10 KW to 25 KW (station now has special experimental authority to operate with 25 KW day only).

WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—Modification of license to change hours of operation from limited to unlimited (to be heard by the Commission en banc May 23).

KOL—Seattle Broadcasting Co., Inc., Seattle, Wash.—C. P. to move transmitter locally in Seattle; make changes in equipment; change frequency from **1270 kc.** to **660 kc.**; increase power from 1 KW night, 2½ KW day, facilities of KGA, Spokane, Wash. Also requests special experimental authority to change frequency from **1270 kc.** to **660 kc.** for 6 months experimentally (to be heard by the Commission en banc on June 6).

NEW—Charles Henry Gunthorpe, Jr., Nacogdoches, Tex.—C. P. for new station, **1420 kc.**, 100 watts, daytime hours; exact location to be determined.

WAMC—Raymond C. Hammett, Anniston, Ala.—Modification of C. P. to move transmitter and studio from Anniston to Selma, Ala., and to extend commencement date of C. P. to 10 days after grant and completion date to 60 days after date of grant.

NEW—Clarion Broadcasting Co., Inc., Clarion, Pa.—C. P. for new station to operate on **800 kc.,** 250 watts, daytime hours. Requests consideration under Rules 6(f) and 44.

KRGV—KRGV, Inc., Harlingen, Tex.—C. P. to move transmitter and studio to 100 So. Mile 5½, Weslaco, Tex., and make changes in equipment.

ACTION ON EXAMINER'S REPORT

WGAL—Ex. Rept. No. 544: WGAL, Inc., Lancaster, Pa.—Granted modification of license to change frequency and hours of operation from **1310 kc.** to **1500 kc.** (frequency to be abandoned by WPEN); from sharing with WRAW to unlimited time; 100 watts; effective June 1, 1934. Examiner Ralph L. Walker sustained.

WRAW—Reading Broadcasting Co., Reading, Pa.—Granted modification of license to change time of operation from sharing with WGAL to unlimited time; **1310 kc.,** 100 watts; effective June 1, 1934. Examiner Walker sustained.

WTEL—Foulkrod Radio Engineering Co., Philadelphia, Pa.—Dismissed application for modification of license to change frequency from **1310 kc.** to **1500 kc.;** from sharing with WHAT: WTEL 1/3, WHAT 1/3, WTEL and WHAT not permitted to operate when WCAM is operating, to unlimited time; 100 watts. Examiner Walker sustained.

ACTION BEFORE COMMISSION EN BANC

WMAQ—National Broadcasting Co., Inc., Chicago, Ill.—Granted C. P. to install new 50-KW transmitter, changing site and increasing power from 5 KW to 50 KW; **670 kc.,** unlimited time; effective May 4, 1934.

ORAL ARGUMENT GRANTED

The Commission en banc will hear oral arguments May 23, beginning at 10 a. m.. in re Examiner's Report No. 541, involving stations KROW, Oakland, Calif., KQW, San Jose, Calif., and KJBS, San Francisco, Calif.

MISCELLANEOUS

KFBK—Jas. McClatchy Co., Sacramento, Calif.—C. P. to move transmitter locally, make changes in equipment, change frequency from **1310 kc.** to **1490 kc.,** and increase power from 100 watts to 5 KW, was ordered returned to applicant because in conflict with Rule 49 of the Commission.

WESG—Cornell University, Elmira, N. Y.—Effective date of order changing station to new frequency extended to May 8, 1934.

NEW—Robert Lowell Burch, Salem, Ore.—Application for new experimental broadcasting station reinstated. To be heard before Commission en banc June 13, 1934.

WGES—Oak Leaves Broadcasting Station, Inc., Chicago, Ill.—Granted special temporary authority to operate the following specified hours, instead of sharing with WJKS: Mon., Tues., Wed., Thurs., and Fri., 6 a. m. to 11 a. m. and 5 to 8 p. m.; Sat., 6 to 11 a. m., 5 to 7 p. m., 11 p. m. to 2 a. m.; Sun., 7:30 a. m. to 1 p. m., 3:30 p. m. to 7 p. m., 11 p. m. to 2 a. m., CST, for period May 1 to November 1, 1934.

Virgin Evans, Spartanburg, S. C.—Application for radio station at Greenwood, S. C., remanded to Examiner for additional testimony.

W6AEF—Kenneth S. Kneedler, El Monte, Calif.—Renewal of amateur license, heretofore designated for hearing, was denied because applicant failed to enter appearance within time allowed.

WPFB—Otis P. Eure—C. P. to move transmitter and studio, change frequency and time, heretofore designated for hearing, was dismissed at request of applicant.

APPLICATIONS RECEIVED

First Zone

WCNW—Arthur Faske, Brooklyn, N. Y.—Modification of 1-P-B-2790, as modified, and to make equipment changes and increase power from 100 watts to 100 watts, 250 watts LS.

NEW—Arde Bulova and Norman K. Winston, Brooklyn, N. Y.—Construction permit to erect new station to operate on **1400 kc.,** 1 KW, unlimited time. Amended to request 500 watts power (facilities WARD, WBBC, WLTH, WVFW).

WATR—Harold Thomas, Waterbury, Conn.—Modification of construction permit to change location of transmitter and studio from 30 W. Main Street (Hotel Elton) to 47 Grand Street, Waterbury, Conn.

WFEA—New Hampshire Broadcasting Co., Manchester, N. H.—Special experimental authority to operate on **1430 kc.,** 500 watts power, unlimited, and simultaneously with WOKO, WHP, WBNS, and WHEC until commencement of program tests on **1340 kc.,** and in no event later than 11-1-34.

Second Zone

NEW—Martin C. McIntyre, Bradford, Pa.—Construction permit to erect new station to operate on **1420 kc.,** power of 100 watts, unlimited time.

Third Zone

KARK—Arkansas Radio and Equipment Co., Little Rock, Ark.—Modification of license to increase power from 250 watts to 250 watts, 500 watts LS; also to be considered under Rule 6-G.

NEW—Isaac N. Adickes, Jr., and Landon Neal, Huntsville, Tex.—Construction permit to erect new station to operate on **1310 kc.,** 100 watts, unlimited time.

NEW—The Herald Publishing Co., Denison, Tex.—Construction permit to erect new station to operate on **880 kc.,** 100 watts, daytime.

WROL—Stuart Broadcasting Corp., Knoxville, Tenn.—Special experimental authority to change frequency from **1310 kc.** to **1050 kc.;** increase power from 100 watts to 250 watts, using directional antenna.

WNRA—Muscle Shoals Broadcasting Corp., Muscle Shoals City, Ala.—Modification of license to change power and time from 100 watts day to 100 watts unlimited (facilities WAMC).

KBTM—W. J. Beard (Beard's Temple of Music), Jonesboro, Ark.—Modification of C. P. granted 11-21-33 and modifications to extend completion date to 7-15-34.

Fourth Zone

WBBM—WBBM Broadcasting Corp., Chicago, Ill.—Modification of special experimental authority to allow KFAB and WBBM to operate synchronously from 8:30 to 9:30 p. m. until 4-29-34 and from 7:30 to 8:30 p. m. from 4-29-34 to 8-1-34.

KFAB—KFAB Broadcasting Co., Lincoln, Nebr.—Modification of special experimental authority to allow KFAB and WBBM to operate synchronously from 8:30 to 9:30 p. m. until 4-29-34 and from 7:30 to 8:30 p. m. from 4-29-34 to 8-1-34.

WIND—Johnson-Kennedy Radio Corp., Gary, Ind.—Construction permit to install new equipment and increase power from 1 KW to 1 KW, 2 KW LS.

KSD—The Pulitzer Publishing Co., St. Louis, Mo.—Modification of license to increase power from 500 watts to 500 watts, 1 KW LS.

Fifth Zone

KGHL—Northwestern Auto Supply Co., Inc., Billings, Mont.—Special experimental authority to operate on **780 kc.** and make equipment changes.

KMED—Mrs. W. J. Virgin, Medford, Ore.—Construction permit to increase power from 100 watts to 100 watts, 250 watts LS; also install new equipment.

KGY—KGY, Inc., Olympia, Wash.—Special experimental authority to operate additional specified hours.

KUJ—KUJ, Inc., Walla Walla, Wash.—Extension of special experimental authority to operate unlimited time until 1-1-35.

NEW—Oregon Radio, Inc., Salem, Ore.—Construction permit to erect new station to operate on **1370 kc.**, power of 100 watts, daytime. Half facilities assigned to Station KOOS.

KOL—Seattle Broadcasting Co., Inc., Seattle, Wash.—Construction permit to move transmitter from 1326 Second Avenue to 11th W and Florida, Seattle, Wash.; also equipment changes (antenna).

KHJ—Don Lee Broadcasting System, Los Angeles, Calif.—Construction permit to increase power from 1 KW to 1 KW night, 2½ KW LS; also install new equipment.

KFRC—Don Lee Broadcasting System, San Francisco, Calif.—Construction permit to increase power from 1 KW to 1 KW night, 2½ KW LS; also install new equipment.

APPLICATIONS RETURNED

NEW—F. L. Whitesell, Forty Fort, Pa.—Construction permit to erect new station to operate on **930 kc.**, 1 KW, daytime. (Rule 6.)

WIBG—WIBG, Inc., Glenside, Pa.—Modification of license to increase power to 500 watts and time to unlimited. (Improper application.)

NEW—W. L. Gleeson, Sacramento, Calif.—Construction permit to erect new station to operate on **1490 kc.**, power of **5 KW**, unlimited time. (Section 10 (a and b)).

WROL—Stuart Broadcasting Corp., Knoxville, Tenn.—Special experimental authorization to change frequency from **1310 kc.** to **1050** or **1010 kc.**, increase power from 100 watts to 250 watts, using directional antenna (contingent upon decision on Station WIS). (Rule 5 and signature.)

WHAD—WHAD, Inc., Milwaukee, Wis.—Special experimental authority to operate on **580 kc.**, power of 1 KW, unlimited time, to be used with directional antenna for period ending 4-1-34; also change transmitter site (exact location to be determined), and install new equipment. Amended re equipment. (Applicant's request.)

The National Association of Broadcasters

NATIONAL PRESS BUILDING ★ ★ ★ ★ ★ WASHINGTON, D. C.

PHILIP G. LOUCKS, Managing Director

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WAGNER AMENDMENT UP NEXT WEEK

Senate action on the Wagner-Hatfield amendment to the Dill Communications Commission bill has been delayed because of a filibuster which developed late during the week over silver legislation. It is expected that the Dill bill will be called up for action next week, immediately after disposal of the stock exchange bill in tbe Senate.

The Wagner-Hatfield amendment would call for tbe cancellation of every broadcasting license in the United States within 90 days after the passage of the bill, and require a new reallocation of all frequencies, under which reallocation 25 per cent of all facilities would be given to religious, educational, labor, agricultural and similar non-profit organizations. The text of the bill appears elsewbere in this issue of NAB Reports.

Proponents of the amendment have been active in soliciting support for the proposal and all broadcasters have been requested to express their views on the measure to their Senators by the NAB. The NAB is actively opposing the Wagner-Hatfield amendment, but is not opposing the Dill bill provided amendments wbich have been proposed by the Association are adopted. Copies of these amendments bave been sent to every Senator and also to all NAB members.

Senator C. C. Dill, chairman of the Senate Interstate Commerce Committee, and Senator Wallace H. White, member of tbe same committee, will lead the opposition to the amendment. The Communications Commission bill will be in charge of Senator Dill, and be will explain tbat the proposal included in the amendment was before bis Committee and voted down. Both Senators Dill and White are radio leaders in their respective parties and are looked upon by their colleagues as the best informed members of the upper body on tbe subject of radio.

Wben the amendment was introduced, the NAB sent to all members a bulletin setting forth the content of the proposal. This was followed by a statement setting forth the specific objections to the 25 per cent proposal which was sent to all Senators and all NAB members. In addition to this, all NAB members were requested to express their views on tbe amendment to their Senators.

The Wagner-Hatfield amendment brings to a head a campaign against the present broadcasting set-up which bas been smoldering in Congress for several years. From the groups which hope to secure favorable allocations under the proposal there has issued a steady stream of propaganda against tbe American system of broadcasting for the past several years in an attempt to discredit American broadcasting. The campaign bas been built not upon the merit of tbe case of the proponents but rather upon alleged faults in the present system.

The statement issued by the NAB in opposition to the Wagner-Hatfield amendment follows in part:

"The National Association of Broadcasters, which has been found by the National Recovery Association to be 'truly representative of the Radio Broadcasting Industry,' protests in the name of several hundred broadcasting stations and millions of radio listeners against any such proposal, for the following specific reasons:

"(1) The proposal would impose on the new Commission an enormous task, not only in making the new allocation, but in the hundreds of court actions which would inevitably result therefrom. The new Commission would be so burdened by this tremendous task, involving the complete reorganization of the entire system of American broadcasting, that for at least a year it would be absolutely unable to undertake any otber part of its duties.

"(2) Tbe expense, both to the Federal government and the present radio licensees, cbiefly for defending and prosecuting court actions, would inevitably amount to millions of dollars.

"(3) The proposal is diametrically opposed to the recommendation of the President that new legislation should *follow* study and recommendation by the Commission.

"(4) The proposal to make allocations by Congressional enactment rather than by action of the Commisison completely revolutionizes the entire theory and structure of allocations set up by the Congress in the Radio Act of 1927, as amended.

"(5) The proposal would reduce, and in some instances perhaps destroy, the service now being rendered to the people of America by over six hundred radio stations, and would jeopardize all the investments made therein.

"(6) At present the sole test of fitness for a license, or for a renewal tbereof, is service to the public as a whole. This proposal would set up a new test—service to a special group, class, or denomination.

"(7) The proposal does not, and presumably cannot, indicate any possible way in which the facilities thus set aside are to be allocated as between religion, education, labor, and agriculture, or between different religious organizations, the only possible result being bopeless conflict.

"(8) The associations and groups designated in tbe proposal are already receiving from broadcasting stations in the aggregate far more extensive facilities for broadcasting than they could possibly have if their activities were thus segregated.

"(9) This same issue has previously come before the Congress, and has never received favorable consideration by the committees wbich have studied it. The National Association of Broadcasters has placed itself on record, by unanimous action, as opposing any segregation of broadcasting facilities by legislation for special groups of any sort, on the ground that public interest, convenience and necessity require that every broadcasting station shall serve every listener within its normal range.

"(10) At a time when every effort of the Federal govrnment is being directed toward economic recovery, the unstabilizing of a whole industry by such a proposal as this would appear utterly at variance with tbe national policy.

"(11) The proposal, in specifically authorizing religious, educational and similar stations to sell time, actually would merely transfer facilities from existing commercial stations to other time-selling stations, thereby establishing religious, educational and similar groups as competitive commercial broadcasters.

"For the reasons herein summarized, the National Association of Broadcasters, speaking for the radio broadcasting industry as a whole, urges every Senator to oppose the Warner-Hatfield amendment, and not to destroy the whole structure of American broadcasting by supporting a proposal regarding which the broadcasters have not even had an opportunity to be heard."

CODE AUTHORITY MEETS

The Code Authority for the Radio Broadcasting Industry convened at Washington, D. C., on May 2 and adjourned May 4. There present were James W. Baldwin, Isaac Z. Buckwalter, John Elmer, James Kiernan, Alfred J. McCosker, Edward N. Nockels, M. R. Runyon, Frank M. Russell and John Shepard, III. Marion H. Hedges was present during discussions relating to broadcast technicians. William P. Farnsworth, Deputy Administrator and Harry Shaw were present and represented the Government. Emily Holt was present and represented the Artists and Performers.

The Code Authority directed the Executive Officer forthwith to cite all commercial radio broadcasting stations to the NRA, who have failed to furnish copies of their rate cards in conformity with tbe provisions contained in Article VII, Section 1, Paragraph (a) of the Code.

Tbe Code Authority has completed Part II of its report on broadcast technicians, copy of which should be available in the near future.

The Code Authority agreed upon a reply to letters received from Deputy Administrator Farnsworth and General Johnson, concerning a reduction in the hours of labor and an increase in the wages paid employees within the broadcasting industry. Text of the letter was not available as NAB Reports went to press.

It is expected that the questionnaire concerning artists and performers, which was the subject of discussion at the meeting, will be sent to stations shortly.

The Executive Officer of the Code Authority will shortly send to all stations a copy of a resolution on the question concerning baseball broadcasts from the scene of action and the broadcasts of baseball résumés, concerning which there has been great confusion.

The Code Authority, by formal vote, ratified various acts of the Executive Officer since the last previous meeting.

BOARD FACES BUSY SESSION

Copyright, code, legislation, and scores of routine matters face the Board of Directors at its regular meeting to be held in Washington, D. C., May 14. President McCosker, Treasurer Levy and Managing Director Loucks will meet during the coming week-end to draft an agenda for the meeting.

Among the matters to receive consideration will be a time and place for the 1934 NAB Convention. It is the general sentiment among members that the convention should be held in advance of the Fall business rush.

ALL STATIONS MUST ACT TOGETHER

The Wagner-Hatfield amendment now awaiting action in the Senate would affect all stations now licensed by the Government, from the smallest to the largest. The pressure back of the proposal makes it necessary for all stations to speak and act together. The NAB has taken active leadership in the opposition and is receiving splendid cooperation from all of its members.

WAGNER-HATFIELD RADIO AMENDMENT

Senators Wagner and Hatfield have introduced a very important amendment to the Dill radio communications commission bill (S. 3285), which will doubtless come to a vote when the bill is taken up on the floor of the Senate. The amendment proposed is as follows:

"(e) To eliminate monopoly and to insure equality of opportunity and consideration for educational, religious, agricultural, labor, cooperative, and similar non-profit-making associations, seeking the opportunity of adding to the cultural and scientific knowledge of those who listen in on radio broadcasts, all existing radio broadcasting licenses issued by the Federal Radio Commission, and any and all rights of any nature contained therein, are declared null and void ninety days following the effective date of this Act, anything contained in this Act to the contrary notwithstanding.

"(f) The Commission shall, prior to ninety days following the effective date of this Act, reallocate all frequencies, power, and time assignments within its jurisdiction among the five zones herein referred to.

"(g) The Commission shall reserve and allocate only to educational, religious, agricultural, labor, cooperative, and similar non-profit-making associations one fourth of all the radio broadcasting facilities within its jurisdiction. The facilities reserved for, or allocated to, educational, religious, agricultural, labor, cooperative, and similar non-profit-making associations shall be equally as desirable as those assigned to profit-making persons, firms, or corporations. In the distribution of radio facilities to the associations referred to in this section, the Commission shall reserve for and allocate to such associations such radio broadcasting facilities as will reasonably make possible the operation of such stations on a self-sustaining basis, and to that end the licensee may sell such part of the allotted time as will make the station self-supporting."

RAYBURN BILL HEARINGS NEXT WEEK

The House Committee on Interstate and Foreign Commerce will continue hearings on the Rayburn bill to establish a Federal Communications Commission next Tuesday. It is likely that the NAB will be one of the first groups called when hearings are resumed. The bill in its present form does not alter the present radio law but places its administration under the new commission which the bill creates.

Among the witnesses to be heard before the House Committee are proponents of the Wagner-Hatfield proposal in the Senate. They will undoubtedly request that the 25 per cent provision be included in the Rayburn bill.

It is generally understood here that the Federal Communications Commission bill will receive final action before adjournment of Congress.

HEARINGS AUTHORIZED ON CUTTING BILL

The Senate Foreign Relations Committee adopted a formal resolution this week authorizing a subcommittee to hold hearings on the Cutting Bill (S. 1928) "to enable the United States to enter the International Copyright Union," which provides for a basic revision of the copyright laws.

The subcommittee consists of Senators F. Ryan Duffy of Wisconsin, Frederick Van Nuys of Indiana, and Simeon D. Fess of Ohio.

The bill provides for "automatic copyright for all authors and composers, alien as well as American, for all their works whether published or unpublished" and "from and after the creation of their work."

With specific reference to broadcasting, the bill also provides:

"The rights granted in Section 1 of the said Act of 1909 (U. S. C., title 17) shall include the exclusive right of the author to communicate his work for profit to the public by any system of broadcasting; and the author of any copyrighted work, even after the assignment of the copyright in such work, shall at all times have the right to claim the authorship of his work, and the right to oppose every distortion, mutilation, or other modification of the said work which might be prejudicial to his honor or to his reputation, as well as the right to restrain the publication and/or the performance of the mutilated work."

The supporters of the bill were heard several weeks ago by the full committee. No date has been set for further hearings. The National Association of Broadcasters has asked the right to be heard and the views of the broadcasting industry will be presented by Oswald F. Schuette, copyright counsl of the NAB.

STAY ORDER GRANTED KSEI

The Court of Appeals of the District of Columbia this week granted a stay order to KSEI, Pocatello, Idaho. Last week this station filed an appeal in the Court and asked for a stay order against a decision of the Radio Commission. The station was at one time granted a construction permit for 890 kilocycles. However, when KSEI applied for license, Station KFPY, Spokane, Wash., intervened and was granted the frequency by the Commission. KSEI was allowed to use its frequency of 900 kilocycles.

RADIO COMMISSION MOVING

The Federal Radio Commission began moving its quarters on Friday night from its building at 18th and E Streets, Northwest, to the new Post Office Department building.

The Commission will occupy quarters on the sixth, seventh and eighth floors of the new building. It will not have as much floor space as it has had in its old home. The offices of the members of the Commission will all be on the sixth floor.

RECOMMENDS COMMISSION REAFFIRM WJJD DECISION

Station WJJD, Chicago, Ill., on application to the Radio Commission for permission to move its main studio from Mooseheart, Ill., to Chicago, was granted the authority, without hearing. Subsequently protests were received against the grant, whereat the Commission suspended its original action and designated the application for hearing. George H. Hill(e) in Report No. 555 this week "accordingly recommended that the Commission affirm its grant of the applicant's application for modification of license."

The Examiner says in his report that "the uncontradicted testimony in behalf of the protestants and by an engineer of the Commission, is to the effect that the location of the studios of Station WJJD would have no effect upon its service area coverage."

WKBZ RECOMMENDED TO MOVE

Walter B. Stiles, applied to the Radio Commission for a construction permit for a new broadcasting station at Muskegon, Mich., to use unlimited time, 100 watts power and 1310 kilocycles. Station WKBZ, Ludington, Michigan, sought permission to move from Ludington to Muskegon without change in its operating assignment. Ralph L. Walker(e) this week in Report No. 554 recommended that the application of Stiles be denied and that the application of Station WKBZ be granted.

The Examiner found that granting the application of Stiles "would result in increasing to some extent the existing interference conditions on 1310 kilocycles and also increase the facilities of a zone now assigned more than its equal share of broadcast facilities."

RECOMMENDS LICENSE RENEWAL TO KFYO

J. H. Squires and A. E. Cullum, Jr., applied to the Radio Commission for a construction permit for a new broadcasting station at Dallas, Texas, using 1200 kilocycles, using part of the facilities of KFYO. Earl M. Nail also applied for a construction permit for a new station to be erected at Lubbock, Texas, to use 1310 kilocycles, while KFYO asked for license renewal. George H. Hill(e) in Report No. 553 this week recommended that the first two applications be denied and that the KFYO station license be renewed. The Examiner found that there is no "showing of need for the service at Dallas and Lubbock, Texas, as would warrant the withdrawal of a part of the facilities of Station KFYO."

WLW'S 500-WATT STATION DEDICATED

At 9:02 p. m. on Wednesday of this week President Roosevelt pressed a key at the White House which placed WLW's new 500 kilowatt transmitter on the air. A six-hour dedicatory program followed, in which many notables participated.

Col. Thad H. Brown, vice-chairman of the Federal Radio Commission, suggested that WLW might not be termed the "World's Station in Cincinnati, Ohio, United States of America." Col. Brown, in his address, called attention to economic, sociologic and political phases of the relatively new art of broadcasting, and expressed gratification that the United States continues its unquestioned leadership in the van of progress.

The new WLW, created through the vision of Powel Crosley, Jr., president of the Crosley Radio Corporation, and the genius of Joseph A. Chambers, technical supervisor, operates under a special authority of the Federal Radio Commission.

MADRID TREATY RATIFIED

With practically no discussion the Senate this week ratified without change the Madrid radio treaty which was signed by the delegates for the United States on December 9, 1932. No record vote was taken in the Senate.

SECURITIES ACT REGISTRATION

The following companies filed registration statements with the Federal Trade Commission under the Securities Act during the current week:

Pan-American Distilling Corporation, New Orleans, La. (2-840).

Schuyler Corporation, New York City (2-841).

Protective Committee for Association of the Religious Community of the Company of Jesus of Bethlehem College of Havana, First Mortgage Six Year Gold Bonds due February 1, 1934, St. Louis, Mo. (2-842).

John L. Etheridge, Riverside, Cal. (2-843).

Northampton Brewery Corporation, Northampton, Pa. (2-844).

Kinner Airplane and Motor Corporation, Inc., Glendale, Cal. (2-845).

Bondholders' Protective Committee for Drainage District No. 31, Cerro Gordo County, Iowa (2-846).

Citizens Discount Corporation, Baltimore, Md. (2-847).

Sacramento Medico Dental Building First Mortgage Bondholders' Committee, San Francisco, Cal. (2-848).

Gold Center Mining and Milling Co., Idaho Springs, Colo. (2-849).

EXTORTION BILL REPORTED

Representative Sumners, of Texas, on Tuesday favorably reported from the Judiciary Committee of the House S. 2249, which provides for punishment for the transmission in interstate commerce by any means whatsoever of extortion demands by threats of injury, violence or kidnaping. The bill mentioned the words, "telegraph, radio or oral message" but they have been stricken out and it now reads "by any means whatsoever."

NAB MEMBERSHIP REACHES 333

During the last few weeks the NAB has received many requests for an up-to-date list of members and non-members as an aid to members who have been active in enlisting non-member stations. The following list, corrected as of May 5, is offered in response to these requests. You are requested to follow up the letters you have addressed to non-members in your state at the earliest possible date. The NAB membership roster stands at 333, the highest point in its history. Let's keep the campaign going until we cross the 400 mark. This is not only important but absolutely necessary at a time when forces are at work to destroy the foundation of American broadcasting.

Alabama

Members: WAPI—Birmingham, WSGN—Birmingham, WSFA—Montgomery, WNRA—Muscle Shoals City, WHET—Dothan.

Non-Members: WAMC—Anniston, WBRC—Birmingham, WJBY—Gadsden, WBHS—Huntsville, WODX—Mobile.

Alaska

Non-Members: KFQD—Anchorage, KGBU—Ketchikan.

Arizona

Members: KTAR—Phoenix.

Non-Members: KCRJ—Jerome, KSUN—Lowell, KOY—Phoenix, KPJM—Prescott, KGAR—Tucson, KVOA—Tucson, KUMA—Yuma.

Arkansas

Members: KFPW— Fort Smith, WTHS—Hot Springs National Park, KBTM—Paragould, KCMC—Texarkana.

Non-Members: KLCN—Blytheville, KUOA—Fayetteville, KARK—Little Rock, KGHI—Little Rock, KLRA—Little Rock, KOTN—Pine Bluff.

California

Members: KERN—Bakersfield, KRE—Berkeley, KIEM—Eureka, KMJ—Fresno, KFWB—Hollywood, KFOX—Long Beach, KECA—Los Angeles, KFI—Los Angeles, KFSG—Los Angeles, KFVD—Los Angeles, KGFJ—Los Angeles, KHJ—Los Angeles, KFBK—Sacramento, KFSD—San Diego, KGB—San Diego, KFRC—San Francisco, KGGC—San Francisco, KGO—San Francisco, KJBS—San Francisco, KPO—San Francisco, KTAB—San Francisco, KQE—San Jose, KREG—Santa Ana, KDB—Santa Barbara, KWG—Stockton.

Non-Members: KMPC—Beverly Hills, KELW—Burbank, KXO—El Centro, KIEV—Glendale, KGER—Long Beach, KFAC—Los Angeles, KMTR—Los Angeles, KNX—Los Angeles, KRKD—Los Angeles, KTM—Los Angeles, KLS—Oakland, KLX—Oakland, KROW—Oakland, KPPC—Pasadena, KFXM—San Bernardino, KYA—San Francisco, KGDM—Stockton, KTRB—Modesto.

Colorado

Members: KFEL—Denver, KLZ—Denver, KPOF—Denver, KFKA—Greeley, KGHF—Pueblo.

Non-Members: KVOR—Colorado Springs, KFXF—Denver, KOA—Denver, KFXJ—Grand Junction, KIDW—Lamar, KGIW—Alamosa, KGEK—Yuma.

Connecticut

Members: WICC—Bridgeport, WDRC—Hartford, WTIC—Hartford.

Non-Members: WCAC—Storrs, WATR—Waterbury.

Delaware

Member: WDEL—Wilmington.

Non-Member: WILM—Wilmington.

District of Columbia

Members: WMAL—Washington, WOL—Washington, WRC—Washington.

Florida

Members: WFLA—Clearwater, WSUN—Clearwater, WQAM—Miami, WDBO—Orlando, WCOA—Pensacola, WDAE—Tampa.

Non-Members: WIOD—Miami, WMBF—Miami, WRUF—Gainesville, WJAX—Jacksonville, WHBR—Jacksonville.

Georgia

Members: WSB—Atlanta, WRBL—Columbus, WMAZ—Macon, WTOC—Savannah.

Non-Members: WENC—Americus, WTFI—Athens, WGST—Atlanta, WRDW—Augsuta, WKEU—LaGrange, WJTL—Oglethorpe University, WFDV—Rome, WQDX—Thomasville.

Hawaii

Member: KGMB—Honolulu.
Non-Members: KWFV—Hilo, KGU—Honolulu.

Idaho

Members: KID—Idaho Falls, KFXD—Nampa, KSEI—Pocatello.
Non-Members: KIDO—Boise, KTFI—West Twin Falls.

Illinois

Members: WCAZ—Carthage, WAAF—Chicago, WBBM—Chicago, WCRW—Chicago, WENR—Chicago, WGN—Chicago, WLS—Chicago, WMAQ—Chicago, WMBI—Chicago, WSBC—Chicago, WHFC—Cicero, WEBQ—Harrisburg, WJJD—Chicago, WMBD—Peoria, WHBF—Rock Island, WTAX—Springfield, WDZ—Tuscola.
Non-Members: KYW—Chicago, WCFL—Chicago, WEDC—Chicago, WGES—Chicago, WEHS—Cicero, WKBI—Cicero, WJBL—Decatur, WKBB—East Dubuque, WCLS—Joliet, WJBC—La Salle, WTAD—Quincy, WROK—Rockford, WCBS—Springfield, WILL—Urbana, WCBD—Zion.

Indiana

Members: WHBU—Anderson, WTRC—Elkhart, WGBF—Evansville, WIND—Gary, WFBM—Indianapolis, WKBF—Indianapolis, WBOW—Terre Haute.
Non-Members: WKBV—Richmond, WGL—Fort Wayne, WOWO—Fort Wayne, WWAE—Hammond, WLBC—Muncie, WFAM—South Bend, WSBT—South Bend, WBAA—West Lafayette.

Iowa

Members: KWCR—Cedar Rapids, KOIL—Council Bluffs, KSO—Des Moines, WOC-WHO—Des Moines, KFJB—Marshalltown, KFNF—Shenandoah, KMA—Shenandoah, WMT—Waterloo.
Non-Members: WOI—Ames, KFGQ—Boone, KICK—Carter Lake, KGCA—Decorah, KWLC—Decorah, WSUI—Iowa City, KSCJ—Sioux City.

Kansas

Members: KGGF—Coffeyville, WLBF—Kansas City, WREN—Lawrence, WIBW—Topeka, KFH—Wichita.
Non-Members: KFBI—Abilene, KGNO—Dodge City, KFKU—Lawrence, KSAC—Manhattan.

Kentucky

Members: WCKY—Covington, WAVE—Louisville, WHAS—Louisville, WLAP—Lexington, WPAD—Paducah.

Louisiana

Members: WDSU—New Orleans, WSMB—New Orleans, WWL—New Orleans, WTBS—Shreveport, KWEA—Shreveport, KWKH—Shreveport.
Non-Members: WJBO—Baton Rouge, KMLB—Monroe, WBBX—New Orleans, WJBW—New Orleans, KRMD—Shreveport.

Maine

Members: WABI—Bangor, WCSH—Portland.
Non-Members: WRDO—Augusta, WLBZ—Bangor, WAGM—Presque Isle.

Maryland

Members: WCAO—Baltimore, WFBF—Baltimore, WCBM—Baltimore.
Non-Members: WBAL—Baltimore, WTBO—Cumberland, WJEJ—Hagerstown.

Massachusetts

Members: WAAB—Boston, WEEI—Boston, WHDH—Boston, WNAC—Boston, WSAR—Fall River, WLEY—Lexington, WNBH—New Bedford, WMAS—Springfield, WORC—Worcester, WTAG—Worcester.
Non-Members: WBZ—Boston, WBZA—Boston, WMEX—Chelsea, WBSO—Needham.

Michigan

Members: WELL—Battle Creek, WBCM—Bay City, WJBK—Detroit, WJR—Detroit, WMBC—Detroit, WWJ—Detroit, WXYZ—Detroit, WFDF—Flint, WJMS—Ironwood, WIBM—Jackson, WKZO—Kalamazoo, WBEO—Marquette.
Non-Members: WHDF—Calumet, WKAR—East Lansing, WASH—Grand Rapids, WOOD—Grand Rapids, WMPC—Lapeer, WKBZ—Ludington, WEXL—Royal Oak.

Minnesota

Members: WCCO—Minneapolis, WDGY—Minneapolis, KFGK—Moorhead, KSTP—St. Paul.
Non-Members: KGDE—Fergus Falls, WLB—Minneapolis, WRHM—Minneapolis, WCAL—Northfield.

Mississippi

Members: WPFB—Hattiesburg, WJDX—Jackson, WAML—Laurel.
Non-Members: WKFI—Greenville, WHEF—Kosciusko, WCOC—Meridian, WGCM—Mississippi City, WJEM—Tupelo, WQBC—Vicksburg.

Missouri

Members: KFVS—Cape Girardeau, KFUO—Clayton, KMBC—Kansas City, WDAF—Kansas City, WHB—Kansas City, KMOX—St. Louis, KSD—St. Louis, KWK—St. Louis, WEW—St. Louis, WIL—St. Louis, KGBX—Springfield.
Non-Members: KFRU—Columbia, KWTO—Springfield, WOW—Jefferson City, WMBH—Joplin, KWKC—Kansas City, WOQ—Kansas City, KFEQ—St. Joseph.

Montana

Members: KGHL—Billings, KGIR—Butte, KFBB—Great Falls, KGEZ—Kalispell, KGVO—Missoula, KGCX—Wolf Point.

Nebraska

Members: KGFW—Kearney, KFAB—Lincoln, WJAG—Norfolk, WAAW—Omaha, WOW—Omaha.
Non-Members: KMMJ—Clay Center, KFOR—Lincoln, KGNF—North Platte KGKY—Scottsbluff, KGBZ—York.

Nevada

Members: KGIX—Las Vegas, KOH—Reno.

New Hampshire

Members: WLNH—Laconia, WFEA—Manchester, WHEB—Portsmouth.

New Jersey

Members: WPG—Atlantic City, WAAT—Jersey City, WHOM—Jersey City, WNEW—Newark, WOR—Newark, WAWZ—Zarephath.
Non-Members: WCAP—Asbury Park, WCAM—Camden, WGCP—Newark, WJBI—Red Bank, WTNJ—Trenton.

New Mexico

Non-Members: KGGM—Albuquerque, KOB—Albuquerque, KICA—Clovis, KGFL—Rosweli.

New York

Members: WOKO—Albany, WNBF—Binghamton, WCNW—Brooklyn, WLTH—Brooklyn, WMBQ—Brooklyn, WBEN—Buffalo, WEBR—Buffalo, WGR—Buffalo, WKBW—Buffalo, WESG—Elmira, WABC—New York, WBOQ—New York, WBNX—New York, WEAF—New York, WEVD—New York, WFAB—New York, WHN—New York, WJZ—New York, WMCA—New York, WHAM—Rochester, WHEC—Rochester, WFBL—Syracuse, WFAS—White Plains, WWRL—Woodside.
Non-Members: WMBO—Auburn, WARD—Brooklyn, WBBC—Brooklyn, WBBR—Brooklyn, WVFW—Brooklyn, WSVS—Buffalo, WCAD—Canton, WGNY—Chester Township, WGBB—Freeport, WGLC—Hudson Falls, WOCL—Jamestown, WINS—New York, WLWL—New York, WNYC—New York, WOV—New York, WNBZ—Saranac Lake, WGY—Schenectady, WSYR—Syracuse, WSYU—Syracuse, WHAZ—Troy, WHDL—Tupper Lake, WIBX—Utica.

North Carolina

Members: WWNC—Asheville, WBT—Charlotte, WSOC—Charlotte, WBIG—Greensboro, WPTF—Raleigh, WSJS—Winston-Salem, WDNC—Durham.
Non-Member: WEED—Greenville.

North Dakota

Members: KFJM—Grand Forks, KFYR—Bismarck, KDLR—Devils Lake, WDAY—Fargo.
Non-Members: KGCU—Mandan, KLPM—Minot.

Ohio

Members: WJW—Akron, WHBC—Canton, WKRC—Cincinnati, WLW—Cincinnati, WSAI—Cincinnati, WGAR—Cleveland, WHK—Cleveland, WJAY—Cleveland, WTAM—Cleveland, WAIU—Columbus, WBNS—Columbus, WADC—Tallmadge, WSPD—Toledo, WKBN—Youngstown.
Non-Members: WFBE—Cincinnati, WOSU—Columbus, WSEN—Columbus, WSMK—Dayton, WHBD—Mount Orab, WALR—Zanesville.

Oklahoma

Members: KTUL—Tulsa, KASA—Elk City, KFXR—Oklahoma City, WKY—Oklahoma City, WBBZ—Ponca City, KVOO—Tulsa.
Non-Members: KCRC—Enid, WNAD—Norman, KGFG—Oklahoma City, KOMA—Oklahoma City, KGFF—Shawnee.

Oregon

Members: KOAC—Corvallis, KFJI—Klamath Falls, KOOS—Marshfield, KMED—Medford, KALE—Portland, KFJR—Portland, KGW—Portland, KOIN—Portland, KXL—Portland.
Non-Members: KORE—Eugene, KBPS—Portland, KEX—Portland, KWJJ—Portland.

Pennsylvania

Members: WCBA—Allentown, WFBG—Altoona, WLBW—Erie, WIBG—Glenside, WHP—Harrisburg, WJAC—Johnstown, WGAL—Lancaster, WKJC—Lancaster, WCAU—Philadelphia, WFI—Philadelphia, WIP—Philadelphia, WLIT—Philadelphia, WPEN—Philadelphia, KDKA—Pittsburgh, KQV—Pittsburgh, WCAE—Pittsburgh, WJAS—Pittsburgh, WEEU—Reading, WGBI—Scranton, WKOK—Sunbury, WBRE—Wilkes Barre, WRAK—Williamsport.
Non-Members: WSAN—Altoona, WLEU—Erie, WSAJ—Grove City, WBAK—Harrisburg, WKBO—Harrisburg, WAZL—Hazleton, WDAS—Philadelphia, WHAT—Philadelphia, WRAX—Philadelphia, WTEL—Philadelphia, KYW—Philadelphia, WWSW—Pittsburgh, WRAW—Reading, WQAN—Scranton, WNBO—Silver Haven, WBAX—Wilkes Barre, WORK—York.

Puerto Rico

Non-Members: WKAQ—San Juan, WNEL—San Juan.

Rhode Island

Members: WEAN—Providence, WJAR—Providence, WPRO—Providence.

South Carolina

Members: WFBC—Greenville.
Non-Members: WCSC—Charleston, WIS—Columbia, WSPA—Spartanburg.

South Dakota

Members: KSOO—Sioux Falls, WNAX—Yankton.
Non-Members: KFDY—Brookings, KGDY—Huron, KGFX—Pierre, WCAT—Rapid City, KUSD—Vermillion, KGCR—Watertown.

Tennessee

Members: WOPI—Bristol, WDOD—Chattanooga, WROL—Knoxville, WMC—Memphis, WNBR—Memphis, WREC—Memphis, WLAC—Nashville, WSM—Nashville.
Non-Members: WTJS—Jackson, WNOX—Knoxville, WHBQ—Memphis, WSIX—Springfield.

Texas

Members: KGRS—Amarillo, WDAG—Amarillo, KFDM—Beaumont, KWWG—Brownsville, KGFI—Corpus Christi, WFAA—Dallas, KFPL—Dublin, KFJZ—Fort Worth, KTAT—Fort Worth, KLUF—Galveston, KRGV—Harlingen, KPRC—Houston, KMAC—San Antonio, KONO—San Antonio, WOAI—San Antonio.
Non-Members: KNOW—Austin, WTAW—College Station, KRLD—Dallas, WRR—Dallas, KTSM—El Paso, WDAH—El Paso, WBAP—Fort Worth, KFPM—Greenville, KTRH—Houston, KXYZ—Houston, KFYO—Lubbock, KGKL—San Angelo, KABC—San Antonio, KTSA—San Antonio, KGKB—Tyler, WACO—Waco, KGKO—Wichita Falls.

Utah

Members: KDYL—Salt Lake City, KLO—Ogden, KSL—Salt Lake City.

Vermont

Members: WCAX—Burlington, WSYB—Rutland.
Non-Members: WQDM—St. Albans, WNBX—Springfield, WDEV—Waterbury.

Virginia

Members: WJSV—Alexandria, WBTM—Danville, WEHC—Charlottesville, WLVA—Lynchburg, WGH—Newport News, WTAR—Norfolk, WMBG—Richmond, WRVA—Richmond, WDBJ—Roanoke.
Non-Members: WPHR—Petersburg, WBBL—Richmond, WRBX—Roanoke.

Washington

Members: KXRO—Aberdeen, KVOS—Bellingham, KJR—Seattle, KOL—Seattle, KOMO—Seattle, KRSC—Seattle, KVL—Seattle, KXA—Seattle, KFPY—Spokane, KGA—Spokane, KHQ—Spokane, KMO—Tacoma, KVI—Tacoma, KUJ—Walla Walla, KPQ—Wenatchee, KIT—Yakima.
Non-Members: KFBL—Everett, KGY—Olympia, KWSC—Pullman, KPCB—Seattle, KTW—Seattle, KFIO—Spokane.

West Virginia

Non-Members: WHIS—Bluefield, WCHS—Charleston, WMMN—Fairmont, WSAZ—Huntington, WWVA—Wheeling.

Wisconsin

Members: WHBY—Green Bay, WCLO—Janesville, WIBA—Madison, WHAD—Milwaukee, WKBH—La Crosse, WTMJ—Milwaukee, WRJN—Racine, WHBL—Sheboygan, WEBC—Superior.
Non-Members: WTAQ—Eau Claire, KFIZ—Fond du Lac, WHA—Madison, WOMT—Manitowoc, WISN—Milwaukee, WIBU—Poynette, WLBL—Stevens Point.

Wyoming

Members: KDFN—Casper.

FEDERAL RADIO COMMISSION ACTION

HEARING CALENDAR

Tuesday, May 8, 1934

NEW—Tri-State Radio, Inc., Washington, Pa.—C. P., **1200 kc.**, 100 watts, S-WHBC (facilities WNBO).
WNBO—John Brownlee Spriggs, Silver Haven, Pa.—Renewal of license; **1200 kc.**, 100 watts, S-WHBC.

Wednesday, May 9, 1934

Oral Argument Before Commission en banc

KFAC—Los Angeles Broadcasting Co., Inc., Los Angeles, Calif.—Modification of license, **1300 kc.**, 1 KW, unlimited time (facilities KGEF, deleted). Present assignment: **1300 kc.**, 1 KW, half time.

APPLICATIONS GRANTED

WEED—Wm. Avera Wynne, Greenville, N. C.—Granted C. P. to move transmitter and studio from Greenville to Rocky Mount, N. C.
WSGN—R. B. Broyles Furniture Co., Birmingham, Ala.—Granted modification of C. P. extending commencement date to May 1 and completion date to June 19, 1934.
WLAP—American Broadcasting Corp. of Kentucky, Lexington, Ky.—Granted license covering move of transmitter and studio from Louisville to Lexington, Ky., and change frequency from **1200 kc.** to **1420 kc.**
WCHS—WOBU, Inc., Charleston, W. Va.—Granted modification of license to change corporate name from WOBU, Inc., to Charleston Broadcasting Corp.
WHET—Troy Broadcasting Co., Dothan, Ala.—Granted consent to voluntary assignment of license to John T. Hubbard and Julian C. Smith, d/b as Dothan Broadcasting Company.

SET FOR HEARING

WBRE—Louis G. Baltimore, Wilkes Barre, Pa.—Application for renewal of license designated for hearing.
WMPC—First Methodist Protestant Church, Lapeer, Mich.—Ap-

plication for change of frequency from **1500 kc.** to **1200 kc.**, granted by Commission on April 13, set for hearing because of protest of Capital City Broadcasting Co.

WJBK—Jas. F. Hopkins, Detroit, Mich.—Application to operate full time on **1500 kc.** set for hearing. Grant of April 13, 1934, suspended.

WIBM—WIBM, Inc., Jackson, Mich.—Application for full time on **1370 kc.** set for hearing. Grant of April 13, 1934, suspended.

MISCELLANEOUS

KRGV—KRGV, Inc., Harlingen, Tex.—Granted application to move transmitter and studio to Weslaco, Tex. Formerly designated for hearing.

KXA—American Radio Tel. Co., Seattle Wash.—Granted regular renewal of license to expire August 1, 1934. Formerly set for hearing because KOL, Seattle, applied for its facilities. Latter application withdrawn.

WWVA—West Virginia Broadcasting Corp.—C. P. to make changes in equipment and increase power, heretofore set for hearing, was dismissed at request of applicant.

WNBH—New Bedford Broadcasting Co.—Modification of license to change frequency, heretofore set for hearing, was dismissed at request of applicant.

NEW—C. G. Phillips and Frank Hill, d/b Boise Broadcasting Station—C. P. to erect new station, heretofore set for hearing, was dismissed at request of applicants.

RATIFICATIONS

KTRH—KTRH Broadcasting Co., Houston, Tex.—Granted extension of special temporary authority to operate with 250 watts power night, 1 KW daytime, on frequency of **630 kc.**, for period beginning May 1 and ending October 1, 1934.

WQBC—Delta Broadcasting Co., Inc., Vicksburg, Miss.—Granted special temporary authority to operate from 7 to 7:15 p. m., CST, for period beginning 3 a. m., EST, May 1, and ending May 31, 1934.

WJDX—Lamar Life Insurance Co., Jackson, Miss.—Granted special temporary authority to operate with 250 watts power for period May 1 to May 10.

WIBA—The Badger Broadcasting Co., Inc., Madison, Wis.—Granted extension of special experimental authority to operate with additional 500 watts power during nighttime for period May 1, pending action on application for special experimental authority, but no later than October 1.

WCBC—Capital City Broadcasting Co., Lansing, Mich.—Granted modification of C. P. to extend commencement date from 4-30-34 to 5-21-34.

WSAI—The Crosley Radio Corp., Cincinnati, Ohio—Granted extension of special experimental authority to use 1 KW night, 2½ KW day, for 90 days, with directional antenna.

KFPY—Symonds Broadcasting Co., Spokane, Wash.—Granted modification of license to change frequency from **1340 kc.** to **890 kc.**, 1 KW, unlimited time.

KSEI—Radio Service Corp., Pocatello, Idaho—Granted modification of C. P. to change frequency from **900 kc.** to **890 kc.**, 250 watts, 500 watts LS, unlimited time. Also modification of license to change frequency from **900 kc.** to **890 kc.**, 250 watts, 500 watts LS, unlimited time.

KGIR—KGIR, Inc., Butte, Mont.—Granted modification of license to change frequency from **1360 kc.** to **1340 kc.**, 500 watts, 1 KW LS, unlimited time.

APPLICATIONS RECEIVED

First Zone

WTAG—Worcester Telegram Publishing Company, Inc., Worcester, Mass.—License to cover construction permit granted 2-6-34 for authority to move transmitter from 52 Front Street to 20 Franklin Street, Worcester, Mass.

WTBO—Associated Broadcasting Corp., Cumberland, Md.—Construction permit to install new equipment; change frequency from **1420 kc.** to **800 kc.**, and time from unlimited to day (sunset of dominant station).

WHN—Marcus Loew Booking Agency, New York, N. Y.—Modification of license to increase power from 250 watts to 1 KW.

WHN—Marcus Loew Booking Agency, New York, N. Y.—Extension of special experimental authority to operate with power of 1 KW from 1 a. m. to local sunset for period ending 5-31-34.

WLNH—Northern Broadcasting Co., Laconia, N. H.—Modification of construction permit (1-P-B-2946) to locate transmitter at 97 Morrill and studio at 523 Main, Laconia, N. H.; make equipment changes, and extend completion date to 9-2-34.

WCNW—Arthur Faske, Brooklyn, N. Y.—Modification of 1-P-B-2790 for extension of commencement and completion dates to 5-1-34 and 7-14-34, respectively.

Second Zone

WCBC—Harold F. Gross, M. B. Keeler, and L. A. Versluius, d/b as Capital City Broadcasting Co., Lansing, Mich.—Modification of 2-P-B-2763A to extend commencement date to 5-21-34.

WSAI—The Crosley Radio Corp., Cincinnati, Ohio—Extension of special experimental authority to operate with power of 1 KW, 2½ KW LS, using directional antenna, for period ending 8-1-34.

NEW—Gino Amatucci, Latrobe, Pa.—Construction permit to erect new station to operate on **1210 kc.**, 50 watts power, specified hours. Transmitter and studio: First National Bank Building, Latrobe, Pa.

WMMN—A. M. Rowe, Inc., Fairmont, W. Va.—Construction permit to install new equipment.

Third Zone

WPTF—WPTF Radio Company, Raleigh, N. C.—Modification of construction permit granted 6-9-33 for extension of completion date to 8-17-34.

WHET—Joe K. Jernigan, Cyril W. Reddoch, Julian C. Smith, and John T. Hubbard, d/b as Troy Broadcasting Co., Dothan, Ala.—Voluntary assignment of license to John T. Hubbard and Julian C. Smith, d/b as Dothan Broadcasting Co.

KPRC—Houston Printing Co., Houston, Tex.—Special experimental authority to increase power to 5 KW for period ending 9-1-34.

WDAE—Tampa Times Co., Tampa, Fla.—Special experimental authority to use 2½ KW daytime for period ending 10-1-34; also make equipment changes.

Fourth Zone

KGCU—Mandan Radio Association, Mandan, N. Dak.—Construction permit to move studio and transmitter to III I Avenue, N. W., Mandan, N. Dak., and install new equipment.

NEW—Aberdeen Broadcast Co., Aberdeen, S. Dak.—Construction permit to erect new station to operate daytime on **1420 kc.** with power of 100 watts, half facilities KGCR.

Fifth Zone

KRKD—Fireside Broadcasting Co., Los Angeles, Calif.—Consent to voluntary assignment of license to Radio Broadcasters, Inc.

KQW—Pacific Agricultural Foundation, Ltd., San Jose, Calif.—Construction permit to move transmitter from San Jose, Calif., to Hunters Point on the Bay, San Francisco, Calif. Amended to move transmitter and studio to corner Market and San Fernando Streets, San Jose, Calif.

NEW—W. L. Gleeson, Salinas, Calif.—Construction permit to erect new station to operate on **1210 kc.**, power of 100 watts, unlimited time.

APPLICATIONS RETURNED

WHDF—Upper Michigan Broadcasting Co., Calumet, Mich.—Construction permit to move station to village of Laurium, Mich., and change equipment. (Incomplete.)

WPFB—Otis Perry Eure, Hattiesburg, Miss.—Consent to voluntary assignment of license to James Glenn Crouch. (Applicant's request.)

KGHI—Loyd Judd Company, Little Rock, Ark.—Special experimental authority to use power of 250 watts, night. (Rules 6 and 121.)

NEW—Raymond L. Hughes, Midland, Tex.—Construction permit to erect new station to operate on **610 kc.**, 50 watts, day or limited time. (Rules 5 and 6; frequency; monitor; transmitter site.)

NEW—Richard Austin Dunlea, Wilmington, N. C.—Construction permit to erect a new station to operate daytime on **1370 kc.** with power of 100 watts. (Rule 6, equipment and transmitter site.)

The National Association of Broadcasters

NATIONAL PRESS BUILDING ★ ★ ★ ★ ★ WASHINGTON, D. C.

PHILIP G. LOUCKS, Managing Director

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BROADCAST ADVERTISING IN MARCH

Developments of the Month

Broadcast advertising in March showed marked gains over the preceding month and presented the most encouraging picture exhibited by the industry since the peak period of 1931-32. Gross sales of time amounted to $7,020,744, a gain of 11.8% over February. National network volume was 32.7% greater than in March 1933, practically equalled April 1932 time sales and was materially exceeded only by March of that year. Non-network volume rose 28.2% as compared with the previous month and was higher than any time since the Statistical Service was established.

Stations of more than five kilowatts in power experienced important gains in non-network volume, as did those in the 100 watt class. Marked increases in business occurred in the New England-Middle Atlantic Area, all sections of the country showing gains as compared with the previous month. Live talent volume rose appreciably, national spot business of this type increasing 48% during the month. Electrical transcription and spot announcement volume also rose materially.

Practically all industrial groups using radio advertising showed important increases during the month. Clothing advertising rose 43.1% as compared with February, due principally to local sponsorship. Marked gains were recorded in national network and national spot food advertising. Drug and pharmaceutical advertising increased materially, household equipment advertising doubled, while soap, kitchen supplies and financial advertising also increased considerably. Advertising by the paint and wallpaper industry also increased greatly during the month.

Trend in General Advertising

The trend in general radio advertising is found in Table I:

TABLE I

TOTAL BROADCAST ADVERTISING VOLUME

	1934 Gross Receipts		
Class of Business	*February*	*March*	*Cumulative Jan.-March*
National networks..	$3,585,270.00	$4,000,698.00	$11,365,157.00*
Regional networks..	54,932.00	66,516.00	175,026.00
Individual stations .	2,303,618.00	2,953,530.00	7,608,586.00
Total	$5,943,820.00	$7,020,744.00	$19,148,769.00

* It has been necessary to revise the cumulative total due to corrections by Publishers' Information Bureau.

National network time sales during March rose 11.5% as compared with February, being exceeded materially by but one month, namely, March, 1932. Marked gains were experienced in the non-network field, advertising volume of this type mounting to 10.9% above the peak month of November, 1933. The current month's non-network volume was 28.2% greater than in February. Regional network time sales increased 21.1% as compared with the previous month, but still were considerably short of the December high point.

Comparison with Other Media

National magazine advertising increased 24.4% as compared with February. Advertising revenues of monthly magazines was 3% greater than for the same month of the preceding year, while the advertising volume in weekly periodicals rose 43% as compared with 1933. National farm paper advertising increased 7.1% as compared with February and 13% as against March, 1933. Newspaper advertising rose 22.2% above the previous month's level, and was approximately 38% greater than during the same period of 1933.

A comparison of the relative volume of broadcast and other advertising is found in Table II:

TABLE II

ADVERTISING VOLUME BY MAJOR MEDIA

	1934 Gross Receipts		
Advertising Medium	*February*	*March*	*Cumulative Jan.-March*
Radio Broadcasting	$5,943,820.00	$7,020,744.00	$19,162,655.00
National magazines [1]	8,806,253.00*	10,955,396.00	25,695,372.00
National farm papers	464,621.00	496,892.00	1,257,590.00
Newspapers	33,470,300.00	41,011,500.00	108,743,250.00
Total	$48,684,994.00	$59,484,532.00	$154,858,867.00

[1] National magazine totals are for 108 periodicals, prepared by Publishers' Information Bureau, Inc., from which source national farm papers and networks are also taken.

* Corrected by Publishers' Information Bureau on basis of later data. January corrected total for national magazines is $6,372,637.00.

The first quarter of the current year has been uniformly encouraging in the advertising field. National network advertising, for which complete figures alone are available, was 32.7% greater than during the same period of 1933. Monthly magazine advertising volume was 3% more than in the first quarter of last year, while weekly magazine advertising increased by 9%. Farm paper advertising rose 13%, and newspaper advertising approximately 18%.

Non-Network Advertising by Power of Station

The volume of non-network advertising placed over various classes of stations is found in Table III:

TABLE III

NON-NETWORK BROADCAST ADVERTISING BY POWER OF STATION

	1934 Gross Receipts		
Power of Station	*February*	*March*	*Cumulative Jan.-March*
Over 5,000 watts.....	$887,690.00	$1,205,383.00	$3,001,363.00
2,500-5,000 watts.....	182,614.00	183,000.00	592,085.00
250-1,000 watts	959,056.00	1,163,819.00	3,072,552.00
100 watts and under...	274,258.00	401,328.00	942,586.00
Total	$2,303,618.00	$2,953,530.00	$7,608,586.00

There was a 35.9% increase in non-network advertising over stations of more than 5 kilowatts in power and a rise of 39.9% in the revenues of 100-watt stations. Stations in the 250-1,000-watt group experienced a 21.0% growth in revenues. There was little change in the 2,500-5,000-watt group.

Advertising by Geographic Districts

The amount of non-network advertising placed over stations located in various parts of the country is found in Table IV:

TABLE IV

NON-NETWORK BROADCAST ADVERTISING BY GEOGRAPHICAL DISTRICTS

Geographical District	*1934 Gross Receipts* *February*	*March*	*Cumulative Jan.-March*
New England-Middle Atlantic Area	$623,429.00	$975,167.00	$2,240,608.00
South Atlantic-South Central Area	353,940.00	403,100.00	1,147,130.00
North Central Area	923,748.00	1,127,583.00	2,966,217.00
Pacific and Mountain Area	402,501.00	447,680.00	1,254,631.00
Total	$2,303,618.00	$2,953,530.00	$7,608,586.00

All sections of the country experienced gains in the volume of non-network advertising during the month of March. Time sale revenues in the New England-Middle Atlantic Area rose approximately 50% as compared with February. There was a slight gain in the South, though the volume in this section still remained below the December high. Middle Western volume rose 22.1% as compared with February and reached a point slightly above the previous peak of November, 1933. Non-network advertising in the Pacific and Mountain Area showed a gain of 11.0% as compared with February.

Spot and Local Advertising

The relative volume of spot and local non-network advertising is found in Table V:

TABLE V

COMPARISON OF NATIONAL SPOT AND LOCAL BROADCAST ADVERTISING

Class of Business	*1934 Gross Receipts* *February*	*March*	*Cumulative Jan.-March*
National spot	$1,079,658.00	$1,509,643.00	$3,664,591.00
Local	1,223,960.00	1,443,887.00	3,943,995.00
Total	$2,303,618.00	$2,953,530.00	$7,608,586.00

National spot advertising increased approximately 40% as compared with the previous month, reaching the high point of the season. Local advertising rose approximately 18%, and also attained the peak figure of the season.

National advertising over the radio has shown the greatest resiliency from previous depression lows, analysis of the composition of broadcast advertising volume during the first quarter of 1934 reveals. Whereas during the last half of 1933 55.1% of total advertising volume was accounted for by national networks, 59.4% of the advertising volume for the first quarter of 1934 was similarly accounted for. Regional networks accounted for .8% and .9% of total advertising volume, respectively, during the two periods; national spot advertising for 17.5% and 19.1% of total volume; and local advertising for 26.6% and 20.6% of total radio time sales during the periods in question. The rather marked decline in importance of local advertising during the first quarter of the current year may be partly due to seasonal factors, since local advertising does not experience the same fluctuations as does national advertising. It seems doubtful, however, that this is the complete explanation of the situation.

Advertising by Type of Rendition

The trend with regard to electrical transcription, live spot, record and spot announcements business during the month is found in Tables VI and VII:

TABLE VI

NON-NETWORK BROADCAST ADVERTISING BY TYPE OF RENDITION

Type of Rendition	*1934 Gross Receipts* *February*	*March*	*Cumulative Jan.-March*
Elec. transcriptions	$542,507.00	$686,317.00	$1,774,254.00
Live talent programs	1,063,466.00	1,389,598.00	3,510,395.00
Records	39,745.00	48,777.00	126,699.00
Spot announcements	657,900.00	828,838.00	2,197,238.00
Total	$2,303,618.00	$2,953,530.00	$7,608,586.00

TABLE VII

COMPARISON OF LOCAL AND NATIONAL SPOT ADVERTISING BY TYPE OF RENDITION

(March 1934)

Type of Rendition	*Gross Receipts for Month* *National Spot*	*Local*	*Total*
Elec. transcriptions	$568,260.00	$118,057.00	$686,317.00
Live talent programs	657,864.00	731,734.00	1,389,598.00
Records	11,311.00	37,466.00	48,777.00
Spot announcements	272,208.00	556,630.00	828,838.00
Total	$1,509,643.00	$1,443,887.00	$2,953,530.00

Electrical transcription volume increased 26.7% as compared with February. The rise was due almost entirely to increased national spot advertising of this nature. Live talent volume increased 30.5% as against the preceding month, national spot advertising rising 48.0% and local advertising 18.4%. Records increased slightly during the month. Spot announcement volume experienced a 26.0% gain, national spot announcement sales increasing 38.0% and local sales 21.2%.

The relative volume of national spot and local advertising by type of rendition during the first quarter of 1934 is found in Table VII (A):

TABLE VII (A)

NATIONAL SPOT AND LOCAL ADVERTISING (FIRST QUARTER 1934)

Type of Rendition	*Gross Receipts* *National Spot*	*Local*	*Total*
Elec. transcriptions	$1,439,825.00	$334,429.00	$1,774,254.00
Live talent programs	1,510,498.00	1,999,897.00	3,510,395.00
Records	22,910.00	103,789.00	126,699.00
Spot announcements	691,358.00	1,505,880.00	2,197,238.00
Total	$3,664,591.00	$3,943,995.00	$7,608,586.00

A comparison of the importance of the various types of rendition in the advertising volume of the current quarter is found in the following summary:

Type of Rendition	*Percent Total Volume of Business (Jan.-Mar., 1934)* *National Spot*	*Local*	*Total*
Electrical transcriptions	39.0%	8.7%	23.3%
Live talent programs	41.3%	50.7%	46.1%
Records	.6%	2.6%	1.7%
Spot announcements	20.1%	38.0%	28.9%
Total	100.0%	100.0%	100.0%

Participations

Participations over individual stations showed a marked decrease as compared with the past several months, though still remaining considerably above the level of the earlier part of the season. Data regarding this type of business are found in Table VIII:

TABLE VIII
PARTICIPATIONS OVER INDIVIDUAL STATIONS

1934
Gross Receipts

Type of Rendition	*February*	*March*	*Cumulative Jan.-Mar.*
Electrical transcriptions	$147.00	$214.00	$670.00
Live talent programs	134,700.00	70,490.00	333,490.00
Records	6,720.00	8,070.00	23,644.00
Total	$141,567.00	$78,774.00	$357,804.00

Radio Advertising Sponsors

Marked gains were experienced in practically all fields during the past month. Principal gains included a 43.1% increase in clothing advertising, a 26.1% rise in food advertising volume, a rise of 19.1% in drug and pharmaceutical advertising, a 35.0% gain in financial advertising, a doubling of the volume in the soap and kitchen supply field, and a marked gain in paint and wallpaper advertising. The volume of broadcast advertising sponsored by various types of business is found in Tables IX and X:

TABLE IX
RADIO BROADCAST ADVERTISING VOLUME BY TYPE OF SPONSORING BUSINESS
(March 1934)

Type of Sponsoring Business	*Gross Receipts for Month* — *National Networks*	*Regional Networks*	*Individual Stations*	*Total*
1a. Amusements	—	—	$38,820.00	$38,820.00
1–2. Automobiles and Accessories:				
(1) Automobiles	$266,712.00	—	84,870.00	351,582.00
(2) Accessories, gas and oils	334,018.00	$28,934.00	147,326.00	510,278.00
3. Clothing and apparel	33,965.00	1,000.00	174,650.00	209,615.00
4–5. Drugs and toilet goods:				
(4) Drugs and pharmaceuticals	383,811.00	1,472.00	525,732.00	911,015.00
(5) Toilet goods	844,452.00	—	116,230.00	960,682.00
6–8. Food products:				
(6) Foodstuffs	786,439.00	16,782.00	609,890.00	1,413,111.00
(7) Beverages	289,834.00	7,939.00	139,590.00	437,363.00
(8) Confections	125,352.00	200.00	70,478.00	196,030.00
9–10. Household goods:				
(9) Household equipment and furnishings	80,623.00	848.00	157,500.00	238,971.00
(10) Soap and kitchen supplies	190,375.00	—	33,580.00	223,955.00
11. Insurance and financial	63,922.00	—	72,750.00	136,672.00
12. Radios	45,236.00	—	9,390.00	54,626.00
13. Retail establishments	—	—	110,715.00	110,715.00
14. Tobacco products	416,331.00	—	7,465.00	423,796.00
15. Miscellaneous	139,628.00	9,341.00	654,544.00	803,513.00
Total	$4,000,698.00	$66,516.00	$2,953,530.00	$7,020,744.00

TABLE X
NON-NETWORK ADVERTISING VOLUME BY TYPE OF SPONSORING BUSINESS
(March 1934)

Type of Sponsoring Business	*Gross Receipts for Month* — *National Spot*	*Local*	*Total*
1a. Amusements	$650.00	$38,170.00	$38,820.00
1–2. Automobiles and Accessories:			
(1) Automobiles	44,359.00	40,511.00	84,870.00
(2) Accessories, gas and oils	68,596.00	78,730.00	147,326.00
3. Clothing and apparel	21,140.00	153,510.00	174,650.00
4–5. Drugs and toilet goods:			
(4) Drugs and pharmaceuticals	381,532.00	144,200.00	525,732.00
(5) Toilet goods	97,040.00	19,190.00	116,230.00
6–8. Food products:			
(6) Foodstuffs	380,090.00	229,800.00	609,890.00
(7) Beverages	55,963.00	83,627.00	139,590.00
(8) Confections	67,138.00	3,340.00	70,478.00
9–10. Household goods:			
(9) Household equipment and furnishings	41,827.00	115,673.00	157,500.00
(10) Soap and kitchen supplies	27,180.00	6,400.00	33,580.00
11. Insurance and financial	17,225.00	55,525.00	72,750.00
12. Radios	380.00	9,010.00	9,390.00
13. Retail establishments	3,125.00	107,590.00	110,715.00
14. Tobacco products	4,478.00	2,987.00	7,465.00
15. Miscellaneous	298,920.00	355,624.00	654,544.00
Total	$1,509,643.00	$1,443,887.00	$2,953,530.00

The following trends are to be noticed in the aforementioned tables:

1a. Amusements: Advertising in the amusement field declined approximately 10.0% during the month, a drop in local advertising being the reason for the decline.

1. Automobiles: There was a slight increase in this field, due to a 6.0% rise in national network automotive advertising. Spot and local advertising showed slight decreases during the month.

2. Accessories, gasoline and oil: Total radio advertising volume in this field increased 6.5% during the month. National network advertising rose 6.8%, regional network volume increased approximately 50.0%, while local gains were offset by equal declines in the national spot field.

3. Clothing: Clothing advertising rose 43.1% as compared with February, practically the entire increase taking place in the local field.

4. Drugs and pharmaceuticals: Total advertising of this type increased 19.1% as against the preceding month. National spot drug and pharmaceutical advertising rose 24.4%, local advertising mounted appreciably, while there was a slight decrease in the regional network field.

5. Toilet goods: Volume in this field increased 11.6% as com-

pared with the previous montb, due principally to a 13.4% rise in national network volume. National spot increases were offset by declines in the local field.

6. Foodstuffs: Food advertising over the air rose 26.1% during the month. National network volume increased 12.8%, national spot advertising more than double, while local food accounts showed slight gains. Regional network advertising showed little change from the preceding month.

7. Beverages: Beverage advertising is up 15.2% as compared with February, due principally to increased spot and local advertising.

8. Confectionery: Confectionery advertising showed similar gains to those in the beverage field. National spot volume rose 31.3%, network volume 9.0%, while local volume declined slightly.

9. Household appliances: Household equipment advertising over the air more than doubled during Marcb. The greatest gains were recorded in the national network field, tbough considerable increases were experienced in the spot and local fields. Local advertising of this type rose 23.5% as compared with February, while national spot volume gained 57.0%.

10. Soap and kitchen supplies: An increase of 26.7% was experienced in this field, national network volume rising approximately 35.0%

11. Insurance and financial: Financial advertising gained approximately 35.0% during the month. Network advertising of tbis type increased 10.0%, while local financial volume practically doubled as compared with February.

12. Radio: Volume in this field increased 29.0%, local advertising almost tripling the February figure.

13. Retail: Advertising by department and general stores rose 13.8% as compared with the previous month, though still remaining considerably below the December figure for this class of business.

14. Tobacco products: There was a slight increase in this field due principally to network advertising volume.

15. Miscellaneous: There was an increase of 24.7% in miscellaneous national spot advertising, 12.0% in local advertising of tbis nature, and a slight rise in the national network field.

Supplementary Data (Jan.-Mar., 1934)

Supplementary information in tbe field of radio advertising sponsorship during the first quarter of 1934 is to be found in Tables IX (A), and X (A):

TABLE IX (A)
RADIO BROADCAST ADVERTISING BY TYPE OF SPONSORING BUSINESS
(First Quarter 1934)

Type of Sponsoring Business	*National Networks*	*Regional Networks*	*Individual Stations*	*Total*
1a. Amusements	—	—	$127,159.00	$127,159.00
1–2. Automobiles and Accessories:				
(1) Automobiles	$708,321.00	$5,058.00	410,856.00	1,124,235.00
(2) Accessories, gasoline and oil	949,083.00*	69,088.00	472,795.00	1,490,966.00
3. Clothing and apparel	80,124.00*	3,000.00	420,962.00	504,086.00
4–5. Drugs and toilet goods:				
(4) Drugs and pharmaceuticals	1,174,216.0*	6,683.00	1,250,929.00	2,431,828.00
(5) Toilet goods	2,390,716.00*	—	322,750.00	2,713,466.00
6–8. Food products:				
(6) Foodstuffs	2,214,271.00*	49,317.00	1,412,014.00	3,675,602.00
(7) Beverages	873,958.00	14,313.00	304,949.00	1,193,220.00
(8) Confectionery	370,797.00	780.00	186,817.00	558,394.00
9–10. Household goods:				
(9) Household equipment and furnishings	174,125.00	848.00	383,138.00	558,111.00
(10) Soap and kitchen supplies	477,619.00	—	91,312.00	568,931.00
11. Insurance and financial	186,064.00	—	162,914.00	348,978.00
12. Radios	131,008.00	—	23,340.00	154,348.00
13. Retail establishments	—	—	275,328.00	275,328.00
14. Tobacco products	1,245,503.00	—	21,621.00	1,267,124.00
15. Miscellaneous	389,352.00	25,939.00	1,741,702.00	2,156,993.00
Total	$11,365,157.00*	$175,026.00	$7,608,586.00	$19,148,769.00

* It has been necessary to revise monthly figures and therefore quarterly totals for these classes due to corrections by Publishers' Information Bureau, Inc.

TABLE X (A)
NON-NETWORK ADVERTISING VOLUME BY TYPE OF SPONSORING BUSINESS
(First Quarter 1934)

Type of Sponsoring Business	*Gross Receipts for Month*		
	National Spot	*Local*	*Total*
1a. Amusements	$12,923.00	$114,236.00	$127,159.00
1–2. Automobiles and Accessories:			
(1) Automobiles	226,713.00	184,143.00	410,856.00
(2) Accessories, gasoline and oil	246,988.00	225,807.00	472,795.00
3. Clothing and apparel	39,206.00	381,756.00	420,962.00
4–5. Drugs and toilet goods:			
(4) Drugs and pharmaceuticals	891,741.00	359,188.00	1,250,929.00
(5) Toilet goods	235,482.00	87,268.00	322,750.00
6–8. Food products:			
(6) Foodstuffs	734,378.00	677,636.00	1,412,014.00
(7) Beverages	107,675.00	197,274.00	304,949.00
(8) Confectionery	177,165.00	9,652.00	186,817.00
9–10. Household goods:			
(9) Household equipment and furnishings	105,931.00	277,207.00	383,138.00
(10) Soap and kitchen supplies	63,624.00	27,688.00	91,312.00
11. Insurance and financial	45,405.00	117,509.00	162,914.00
12. Radios	1,892.00	21,448.00	23,340.00
13. Retail establishments	12,758.00	262,570.00	275,328.00
14. Tobacco products	14,971.00	6,650.00	21,621.00
15. Miscellaneous	747,739.00	993,963.00	1,741,702.00
Total	$3,664,591.00	$3,943,995.00	$7,608,586.00

A number of interesting comparisons may be made as to the relative importance of various industries during the current and preceding periods. Food and allied industries still take the lead in the national network field, though whereas food advertising amounted to 33.0% of total network advertising in 1933, it merely constituted 30.4% of network volume during the first quarter of the current season.

Cosmetic advertising over national networks during the first three months of 1934 accounted for 21.3% of total volume as compared with 16.8% during the previous year; tobacco advertising for 10.8% as against 9.2% in the previous year. Gasoline and lubricant advertising dropped in importance from 12.3% in 1933 to 8.2% in the first quarter of 1934. Some of these shifts undoubtedly are due to seasonal factors, as in the case of the gasoline field. Others, such as tobacco, are due to increased business stability in the industries in question.

Food and drug advertising increased in importance in the national spot field, while clothing rose slightly in importance in the local field.

Further information regarding the relative importance of national network, magazine, and national farm paper advertising is found in Table IX (B):

TABLE IX (B)

COMPARISON OF NATIONAL MAGAZINE, NATIONAL NETWORKS, AND NATIONAL FARM PAPERS

(First Quarter 1934)

Type of Sponsoring Business	*National Magazines*	*National Networks*	*Nat'l Farm Papers*
1–2. Automobiles and Accessories:	$2,560,310.00	$708,321.00	$36,805.00
(1) Automobiles			
(2) Accessories, gas and oils	1,194,807.00	949,083.00	143,780.00
3. Clothing and apparel	761,752.00	80,124.00	41,417.00
4–5. Drugs and toilet goods:			
(4) Drugs and pharmaceuticals	3,770,979.00	1,174,216.00	78,804.00
(5) Toilet goods	2,140,873.00	2,390,716.00	84,797.00
6–8. Food products:			
(6) Foodstuffs	4,178,573.00	2,214,271.00	95,109.00
(7) Beverages	1,362,432.00	873,958.00	10,320.00
(8) Confectionery	188,116.00	370,797.00	2,250.00
9–10. Household goods:			
(9) Household equipment and furnishings	1,340,840.00	174,125.00	32,160.00
(10) Soap and kitchen supplies	1,526,948.00	477,619.00	117,950.00
11. Insurance and financial	718,399.00	186,064.00	5,248.00
12. Radios	286,129.00	131,008.00	38,062.00
13. Retail establishments	221,330.00	—	—
14. Tobacco products	1,429,479.00	1,245,503.00	60,495.00
15. Miscellaneous	4,014,305.00	389,352.00	510,393.00
Total	$25,695,372.00	$11,365,157.00	$1,257,590.00

In a number of fields radio advertising seems to be becoming increasingly important. Automotive advertising during the first quarter of 1934 was 26.0% as great as magazine advertising volume, and showed an appreciably more favorable position than in 1933. Automotive accessory advertising on the radio was 79.0% as great as in magazines and was increasing. Drug radio advertising was 30.0% as great as drug magazine advertising, food approximately 50.0% as great, beverage advertising on the air 48.0% as much as in magazines, tobacco 87.0% as great, and soaps and kitchen supplies 31.4%. In the case of toilet goods radio advertising volume exceeded magazine volume by 7.0%.

Retail Advertising

The volume of retail advertising over individual stations is found in Table XI:

TABLE XI

RETAIL ADVERTISING OVER INDIVIDUAL STATIONS

(March 1934)

Type of Sponsoring Business	*Gross Receipts for Month*
Automobiles and accessories:	
Automobile agencies and used car dealers	$37,270.00
Gasoline stations, garages, etc.	29,030.00
Clothing and apparel shops	148,610.00
Drugs and toilet goods:	
Drug stores	8,370.00
Beauty parlors	5,410.00
Food products:	
Grocery stores, meat markets, etc.	53,534.00
Restaurants and eating places[1]	20,090.00
Beverage retailers	117.00
Confectionery stores, etc.	1,265.00
Household goods:	
Household equipment retailers[2]	$37,538.00
Furniture stores	50,385.00
Hardware stores	3,150.00
Radio retailers	9,010.00
Department and general stores	110,715.00
Tobacco shops	700.00
Miscellaneous	52,300.00
Total	$567,494.00

[1] Exclusive of hotels.

[2] Such as electric refrigerators, oil burners, sweepers, furnaces and the like.

General retail advertising rose 20.7% as compared with February. Automotive accessory advertising increased 24.0%, and clothing advertising 32.0%. Household appliance and equipment retail advertising rose 37.0%, while radio retail volume almost tripled the preceding month's figure. Gains also were experienced in the drug, restaurant, furniture, tobacco, and miscellaneous lines.

General Business Conditions

Business still continues upwards in spite of minor recessions here and there in the general field. The New York Times Index of Business Activity stood at 84.6 on April 19, one point below the level of March 24. Commodity prices showed slight recessions during the past several weeks. Car loadings declined slightly as compared with the end of March though showing general steadiness. Automobile production continues upwards, as does steel mill operation. Electric power consumption fell off slightly during the month. In all, the business situation has changed little since the publication of the preceding report. The same positive and negative factors are still in operation with approximately the same force.

The National Association of Broadcasters

NATIONAL PRESS BUILDING ★ ★ ★ ★ ★ WASHINGTON, D. C.

PHILIP G. LOUCKS, Managing Director

NAB REPORTS

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NAB BOARD MEETS MONDAY

A meeting of the Board of Directors of the NAB will be held at the Willard Hotel, Washington, D. C., at 10 A. M., Monday, May 14.

SENATE TO PASS DILL BILL

As this issue of NAB Reports goes to press, the Senate is concluding consideration of the stock exchange regulation bill and there is every indication that the Dill Communications Commission bill will be made the unfinished business of the Senate. This means that the bill will probably be acted upon by the Senate next Monday or Tuesday, May 14 or 15.

Indications are that the bill will be passed by the Senate but that the Wagner-Hatfield amendment will be defeated. The vote on the Dill bill will probably follow party lines, while the Wagner-Hatfield amendment vote, if its proponents permit it to come to a vote, will be overwhelmingly against its adoption.

The Wagner-Hatfield amendment, which constituted a serious threat to the broadcasting industry and which was supported by a powerful lobby, drew opposition from all but a few educational and religious stations that had hoped to improve their positions with its adoption. Speaking through the NAB, these stations, from the smallest to the largest, promptly informed their Senators of the purpose of the Wagner-Hatfield amendment and supported the specific objections filed with individual Senators by the NAB.

The fate of several other NAB amendments to the Dill bill hangs in the balance. Action on these was overshadowed by the Wagner-Hatfield controversy, although it is expected that some, if not all of them, will be adopted.

Senator Dill, D., Washington, chairman of the Senate Interstate Commerce Committee, will oppose the Wagner-Hatfield amendment on the floor, and it is indicated that he will have the support of more than two-thirds of the Senate. Senator White, R., Maine, former chairman of the House Merchant Marine, Radio and Fisheries Committee, also will oppose the amendment. Senators Dill and White are regarded as outstanding leaders in all radio matters in the Senate.

25 PER CENT FIGHT IN HOUSE

While it appears that the Wagner-Hatfield amendment will be beaten in the Senate, the fight to cancel all licenses in 90 days and force a reallocation under which 25 per cent of all channels would be given to educational, religious, labor, agricultural and similar groups, has been opened in the House.

The amendment, similar to the Wagner-Hatfield proposal, was laid before the House Committee on Interstate and Foreign Commerce by Father John B. Harney, superior, Paulist Missionary Society, WLWL, New York, during hearings on the Rayburn bill this week. Father Harney argued for nearly an hour in support of the proposal making charges against the present structure which compelled the NAB to file a supplementary statement with the Committee. A copy of the NAB statement is enclosed with this issue of NAB Reports for information of members. Asked how he arrived at the 25 per cent figure, Father Harney said that if 25 per cent did not prove adequate the interests he represented would come back and ask for additional legislation for more channels.

Father Harney took the stand after Henry A. Bellows, NAB Legislative Committee Chairman, had presented a statement on behalf of the measure. At the time Mr. Bellows made his statement the Harney proposal was not before the Committee.

"We protest most earnestly against any proposal for the repeal of the Radio Act of 1927, as amended," Mr. Bellows said.

"The President's message does not even suggest any such drastic action, nor does there appear to be any instant necessity which warrants it. The Radio Act of 1927, as amended, may not be perfect. Most of us could suggest ways in which we think it might be improved, though there would be wide disagreement among us as to those improvements, but the fact remains that for seven years it has stood the tests of administration and of court action. If changes in it are desirable, we believe they should be made, as the President indicates, only after investigation and study by the new Commission.

"That there has been no urgent demand for any such changes appears from the history of recent bills to amend the Radio Act. There was no general outcry when, a year ago, H. R. 7716, the omnibus amending bill, failed of enactment. Congressman Bland reintroduced that same bill in the House on March 9, 1933, as H. R. 1735, and there has not been enough general interest manifested for his committee as yet to consider it. In the Senate the bill was not even reintroduced at all. Almost every one recognizes that, despite minor defects, the Radio Act of 1927, as amended, and the court decisions under it, have established a solid, workable and sound basis for government regulation of radio.

"And what is to be gained by repealing the Radio Act? Either it is incorporated bodily and unchanged in the new law, in which case nothing is accomplished by repealing it, or else the new law alters its provisions, in which case the bill not only goes counter to the President's suggestion, and legislates before investigation by the Commission instead of after it, but also launches the new Commission on a sea whereon there has been raised an artificial and a wholly needless storm.

"No one can possibly foretell at this time what form this tremendously significant legislation now before you will ultimately assume. No one can possibly, in advance, draft legislation which will adequately and fully define the activities, powers and methods of this new Commission. The Commission itself must, after careful study and investigation, help in determining its legislative needs.

"If it is suggested to you that Title III of the Senate bill as introduced is really the Radio Act of 1927, with only a few minor changes, we want to urge upon you, from our years of practical experience in radio, that the changes are neither few nor minor; that one of them seems to us to undermine the whole legal structure which seven years of work have painstakingly built up; that another converts an administrative commission with quasio-judicial functions into a criminal court with wide powers of summary punishment, while a third tends to deny to the Commission the right of solving technical problems on the strength of technical evidence. But even if the changes proposed were less drastic, we would still contend that this is no time to repeal the Radio Act, that repeal is absolutely unnecessary, that it is contrary to the advice of the President, and that it means the imposition of a serious and needless handicap on the new Commission."

Representatives of the telegraph and telephone companies appeared before the Rayburn Committee and it is expected that testimony will be completed next week. It is the plan of the Rayburn Committee to report out the bill at an early date and press for its passage in the House before adjournment.

CONGRESSMEN SUPPORT HARNEY PROPOSAL

Congressman Stephen A. Rudd of New York, stated before the Rayburn Committee this week that 22 Congressmen had pledged their support to the Harney proposal in the House. He stated for the record that the following Congressmen were supporting the proposal:

Edward W. Goss of Connecticut; John J. McGrath of California; Francis B. Condon of Rhode Island; J. W. McCormack of Massachusetts; B. M. Jacobsen of Iowa; Michael J. Hart of Michigan; William F. Brunner of New York; James M. Fitzpatrick of New York; William P. Connery, Jr., of Massachusetts; Martin A. Brennan of Illinois; George W. Lindsay of New York;

Kent E. Keller of Illinois; Arthur D. Healey of Massachusetts; William Rogers of New Hampshire; W. D. McFarland of Texas; Theodore A. Peyser of New York; John J. Boylan of New York; John J. Douglass of Massachusetts; William J. Granfield of Massachusetts; Fred A. Hartley of New Jersey; Mary T. Norton of New Jersey; and Kathryn O'L. McCarthy of Kansas.

HOUSE COMMITTEE MEMBERS

Members of the House Committee on Interstate and Foreign Commerce, headed by Congressman Sam Rayburn of Texas, now considering the Harney proposal, are as follows: George Huddleston, Ala.; Clarence F. Lea, Calif.; Robert Crosser, Ohio; Parker Corning, N. Y.; Jacob L. Milligan, Mo.; Alfred L. Bulwinkle, N. C.; Virgil Chapman, Ky.; Paul H. Maloney, La.; William P. Cole, Jr., Md.; Samuel B. Pettengill, Ind.; Edward A. Kelly, Ill.; E. W. Marland, Okla.; Edward A. Kenney, N. J.; George G. Sadowski, Mich.; Joseph P. Monaghan, Mont.; Francis T. Maloney, Conn.; John G. Cooper, Ohio; Carl E. Mapes, Mich.; Charles A. Wolverton, N. J.; James Wolfenden, Pa.; Pehr G. Holmes, Mass.; Schuyler Merritt, Conn.; B. Carroll Reece, Tenn.; James W. Wadsworth, Jr., N. Y.

TRADE COMMISSION ASKS COOPERATION

This week the Special Board of Investigation of the Federal Trade Commission addressed a letter to radio stations, networks and transcription companies requesting that all cooperate in a general survey of radio advertising which the Board has undertaken at the direction of the Commission.

The Special Board was created five years ago and has been devoting its time primarily to newspaper and magazine advertising. The inclusion of radio advertising is simply an extension of the Board's work.

On April 14 the Board sent out to a small number of stations the first of a series of letters requesting that these stations supply the Board with copies of all commercial continuities for the month of March, 1934. Your Managing Director conferred with members of the Board and explained that stations generally do not keep duplicate copies of continuities and that fulfillment of the request, if made general, would result in great expense to stations. The Board accepted this explanation and suggested that June 1, 1934, be fixed as the date to begin the survey.

It was explained during the conferences that the Board was directed to include radio advertising in its survey of all advertising by the Commission and was eager to commence work at the earliest possible date. It was pointed out that two courses were open to the Board in undertaking the investigation: either it could employ stenographers in all parts of the country to take down commercial announcements or it could ask stations to cooperate in the work by voluntarily sending in copies of all continuities. The Board decided that it would proceed by requesting cooperation of the broadcasters and resort to other means only in the event cooperation was not forthcoming.

It is the desire of the Board to approach its work in a spirit of friendly cooperation with the industry and expressed the hope that such cooperation would be extended.

It was explained that the network headquarters would be asked to supply announcements on network programs rather than stations affiliated with networks. The same rule will be applicable to transcription companies.

The jurisdiction of the Federal Trade Commission extends to false and misleading advertising and has nothing to do with the length or form of the advertising announcements. The same general rules which have been applied to other forms of advertising since 1914 will be applied to radio advertising. In fact a number of radio cases have already been disposed of by the Commission.

The continuities sent in by stations will be reviewed by the Board and in cases where statements in advertising copy appear to be false and misleading, notices will be sent both to the advertiser and the station carrying his advertising. Along with the notice to the station will be sent a form which the station may execute and upon execution be dropped from the proceedings. This form provides that the station agrees to abide by any agreement, stipulation or order promulgated by the Commission in the case to which the notice refers.

After the station has agreed to observe the order entered by the Board, informal conferences between the advertiser and the Board commence and the advertiser is asked to correct the false and misleading statements in his copy. If he agrees to do this, the case is at an end. If not, the case proceeds through a public hearing, argument before the Commission, decision by the Commission, and perhaps appeal to the Courts.

It is pointed out that the power of the Federal Trade Commission is preventive rather than punitive. It is approaching the radio field in a spirit of friendly cooperation rather than in a spirit of hostility. Furthermore, the survey is not a campaign against radio advertising nor is it in any way the result of agitation by groups unfriendly to broadcasting. The Commission has simply decided to include radio in its routine investigation of all advertising in the future. Naturally, the agitation for passage of the Tugwell bill was responsible for extending its work at this time as one of the arguments made by the proponents of that bill was that the Federal Trade Commission was not exercising its jurisdiction with respect to false and misleading radio advertising.

The Federal Radio Commission has been informed of the Federal Trade Commission's action and there is no prospect of conflict of authority.

After reviewing the situation carefully from all angles, it is believed that stations generally will cooperate with the Special Board by complying with its request for copies of advertising announcements and thereby make unnecessary the work of monitoring stations. Stations who desire to extend such cooperation should see to it that extra copies of commercial announcements in programs to be broadcast after June 1, 1934, are made and kept on file in order to comply with the Board's request.

"FRITZ" MORENCY IMPROVING

Paul W. Morency's many friends will be happy to learn that he is improving in health and is now on the road to recovery after months of serious illness. We know that "Fritz" will be glad to hear from his friends. His address is 1 Kingswood Road, West Hartford, Conn.

CODE AUTHORITY ASKS FOR DELAY

The following is the text of a letter addressed to General Hugh S. Johnson on the subject of increased wages and reduced hours in reply to the proposal made recently by the NRA:

"The Code Authority for the Radio Broadcasting Industry has given consideration to the proposal contained in the letters received from Mr. William P. Farnsworth, Deputy Administrator, dated March 21, 1934, and your letter dated March 28, 1934, concerning a reduction in the hours of labor and an increase in the wages paid employees in the Radio Broadcasting Industry, and submits the following report:

"A recent survey concerning the technical employees within the Radio Broadcasting Industry discloses:

1. That the employment of broadcast technicians has increased 11.9%.
2. That the weekly hours of labor for broadcast technicians have been reduced 9.8%.
3. That the weekly payrolls for broadcast technicians have increased 21.1%.

"A copy of the report disclosing these facts is hereto attached and marked Exhibit A.

4. The true effects of the labor and trade practice provisions contained in the Code of Fair Competition for the Radio Broadcasting Industry cannot be accurately determined within the period of approximately five months, during which our Code has been effective.
5. Commercial programs which furnish the only revenue to sustain the operation of Radio Broadcasting Stations fluctuates materially. It is a general practice of advertisers to curtail radio advertising during the so-called summer months which in this case include the months of May to September, inclusive.
6. The Radio Broadcasting Industry today employs a greater number of employees than have been employed at any other period within the life of the Industry.
7. Although the Code Authority does not have specific data available, it is confident that the percentages referred to in No. 1 above apply with equal force to all classes of employees within the Industry.
8. Any reduction in the hours of labor or any increase in the wages paid, in the opinion of the Code Authority, will oppress and eliminate small Radio Broadcasting Enterprises and promote monopolies.

"The Code Authority, therefore, recommends that no action be taken within a period of one year from the effective date of the Code to change or alter any of the provisions affecting the hours of labor or wages of employees within the Radio Broadcasting Industry."

RADIO BILL GOES OVER

Working on its regular calendar the House of Representatives this week reached S. 2660, the bill regarding stations having studios in the United States and transmitters in foreign countries, which has already been passed by the Senate and favorably reported by the House Committee on Merchant Marine, Radio and Fisheries. The bill was "passed over without prejudice" at the request of Representative Zioncheck of Washington.

CONSIDER COPELAND BILL AMENDMENTS

An indication that the Copeland bill to revise the food and drugs laws will come up for consideration in the Senate before adjournment was gleaned from the statement made in the Senate Monday by Senator Royal Copeland of New York.

"May I remind Senators that a few days ago I spoke of the food and drugs bill and asked that any Senators who have amendments to offer to present them in advance of the consideration of the bill," the Senator told the Senate. "Some Senators have offered certain amendments, and the committee has given them consideration. The committee is very anxious to have before it any other amendments which may be in the minds of Senators, because we hope that when the bill shall be finally presented for action its consideration may take a very short time, indeed, and we feel that to be possible if we may have the amendments before us for consideration in advance of the action on the bill."

DILL INTRODUCED AMENDMENT

On May 9, Senator Dill introduced in the Senate an amendment to the Communications Commission bill. The amendment follows:

"In granting applications for licenses or renewals of licenses for frequencies to be used for broadcasting, the Commission shall so distribute such licenses that no one licensee nor organization of licensees, whether effected by purchase, lease, chain broadcasting or other method, shall be able to monopolize or exercise dominant control over the broadcasting facilities of any community, city or state, or over the country as a whole, and the Commission shall, so far as possible, by its distribution of licenses, provide for broad diversification and free competition in broadcast programs to be presented to radio listeners."

EDUCATORS ASK GOVERNMENT OWNERSHIP

The National Committee on Education by Radio, headed by Joy Elmer Morgan, editor of the *National Education Association Journal*, held a two-day conference in Washington this week. The meeting went on record as favoring government ownership of broadcasting and endorsing all of the other things this Committee has stood for. The meeting was another step in this Payne-fund-supported Committee's propaganda campaign against commercial radio.

DENTISTS' ADVERTISING UNLAWFUL

The Rhode Island Legislature has enacted a law under which certain forms of advertising by dentists by means of the press, radio, display signs, or otherwise is made unlawful.

LANSING, MICH., APPEAL DISMISSED

The Court of Appeals of the District of Columbia this week dismissed the appeal of Herman Radner, who appealed to the Court against a decision of the Radio Commission denying him a construction permit for a new broadcasting station at Lansing, Mich., and granting a permit to the Capital Broadcasting Company at the same place. The appeal was dismissed at the request of the appellant.

The Court this week also refused to reconsider its action in granting stay orders in cases filed by Stations KSEI and WLBW. In the cases of both of these stations stay orders were granted by the Court, while intervenors asked that the Court reconsider its action, which it has refused to do.

NOTICE!

A publication styled "Commerce and Industry," 112 East 19th Street, New York, recently informed a mid-western station that it was publishing a story about its growing importance in its territory and then shipped express collect a batch of the magazines to the stations. If other stations are solicited, it is suggested that they contact NAB and the Association will put them in touch with the mid-west station.

SECURITIES ACT REGISTRATION

The following companies filed registration statements with the Federal Trade Commission under the Securities Act during the current week:

Crown Consolidated Mines Co., Reno, Nev. (2-850).

San Diego Dome Drilling Fund, Inc., Las Vegas, Nev. (2-851).

Froedtert Grain & Malting Co., Inc., Greenfield, Wis. (2-852).

Arcady Apartment Hotel First Mortgage Bondholders' Committee, Los Angeles, Calif. (2-853).

Bondholders' Protective Committee of the Pittsburgh Water Heater Co., Pittsburgh, Pa. (2-854).

2100 Pacific Avenue First Mortgage Bondholders' Committee, San Francisco, Calif. (2-855).

The Bradley Trust, Boston, Mass. (2-856).

Distributors Group, Inc., New York City (2-857).

Rutter Fund, Inc., Philadelphia, Pa. (2-858).

Iowa Electric Co., Cedar Rapids, Iowa (2-859).

Iowa Electric Company, Cedar Rapids, Iowa (2-860-Form D-2).

Fred Krug Brewing Company, Omaha, Nebr. (2-861-Form A-1).

Mines Financing, Inc., Denver, Colo. (2-862-Form A-1).

Insurance Exchange Building, Inc., San Francisco, Calif. (2-862-Form D-2).

Edwin D. Witter and Others, San Francisco, Calif. (2-864-Form F-1).

Little May Mining Company, Salt Lake City, Utah (2-865-Form A-1).

New Tatum Building Corporation, St. Louis, Mo. (2-866-Form D-2).

Milwaukee Terminal Buildings First Mortgage Bondholders' Committee, Chicago, Ill. (2-867-Form D-1).

Harry B. Hall and Others, Milwaukee, Wis. (2-868-Form F-1).

First Mortgage Corporation, Richmond, Va. (2-869-Form D-1).

FEDERAL RADIO COMMISSION ACTION

APPLICATIONS GRANTED

KRKD—Fireside Broadcasting Co., Los Angeles, Calif.—Granted consent to voluntary assignment of license to Radio Broadcasters, Inc.

WLBF—WLBF Broadcasting Co., Kansas City, Mo.—Granted C. P. to install new transmitter.

WMAZ—Southeastern Broadcasting Co., Macon, Ga.—Granted special temporary authority to operate unlimited time during June.

WJDX—Lamar Life Ins. Co., Jackson, Miss.—Granted extension of special temporary authority to operate with 250 watts power for period beginning May 11 and ending not later than May 15, 1934.

KPCB—Queen City Broadcasting Co., Seattle, Wash.—Granted special temporary authority to change frequency from **650 kc.** to **710 kc.**

WKBO—Keystone Broadcasting Co., Harrisburg, Pa.—Granted C. P. to move transmitter and studio locally and make equipment changes.

KBTM—Beard's Temple of Music, Jonesboro, Ark.—Granted modification of C. P. to extend completion date from May 2 to July 15, 1934.

KSOO—Sioux Falls Broadcast Assn., Inc., Sioux Falls, S. Dak.—Granted license covering move of transmitter locally and changing equipment.

KGHL—Northwestern Auto Supply Co., Inc., Billings, Mont.—Granted special experimental authority to make changes in equipment and to change frequency from **950 kc.** to **780 kc.**

WAAT—Bremer Broadcasting Corp., Jersey City, N. J.—Granted temporary license to operate on **940 kc.**, 500 watts, daytime, pending outcome of hearing on application for license renewal.

SPECIAL AUTHORIZATIONS

WOI—Iowa State College of Agriculture and Mechanical Arts, Ames, Iowa—To remain silent on May 30 and July 4.

WBBZ—James F. Kyler, Ponca City, Okla.—Extension of special temporary authority to operate on **1200 kc.**, 100 watts, unlimited time, for period June 1 to September 1, pending action on application for consent to involuntary assignment of license.

WPTF—WPTF Radio Co., Raleigh, N. C.—To use RCA Crystal Control, that is part of the proposed RCA-Victor, Type 1005-B transmitter, as authorized by C. P. as stand-by for present Western Electric transmitter.

SET FOR HEARING

WINS—American Radio News Corp., New York City—Special experimental authority for period ending August 1, 1934, to increase power to 5 KW and make changes in equipment, to be heard by Commission en banc June 6.

WLEY—Albert S. Moffat, Lexington, Mass.—C. P. to move transmitter and studio to Lowell, Mass.

NEW—H. E. Sudebaker, Lewiston, Idaho—C. P. for new station; **1420 kc.**, 100 watts, unlimited time (consideration under Rule 6-g).

ORAL ARGUMENT JUNE 13

Oral arguments are scheduled for June 13 on Examiner's Report No. 545 (WJBW, New Orleans, for unlimited time on **1200 kc.**, and WBBX, New Orleans, for voluntary assignment of license and renewal of license), and Report No. 546 (John L. Hopkins, Hammond, Ind., for C. P. for new station; WSBC, Chicago; WHBY, Green Bay, Wis.; WBOW, Terre Haute, Ind.; WGES, Chicago; WSBT, South Bend, Ind.; and WFBM, Indianapolis, Ind., for increased facilities on **1360 kc.**).

MISCELLANEOUS

The applications of WMPC, LaPeer, Mich., for frequency change from **1500 kc.** to **1200 kc.**; WJBK, Detroit, Mich., for full time on **1500 kc.**; and WIBM, Jackson, Mich., for full time on **1370 kc.**, heretofore set for hearing, were removed from the hearing docket and granted as result of withdrawal of protest of Capital City Broadcasting Co., Lansing, Mich.

APPLICATIONS RECEIVED

First Zone

WQDM—A. J. St. Antoine and E. J. Regan, St. Albans, Vt.—Consent to voluntary assignment of license to E. J. Regan and F. Arthur Bostwick, d/b as Regan and Bostwick.

WAAB—Bay State Broadcasting Corp., Boston, Mass.—Modification of license to use the transmitter of Station WNAC.

WNAC—Shepard Broadcasting Service, Inc., Boston, Mass.—Construction permit to increase power from 1 KW to 1 KW night and 2½ KW LS; also make changes in equipment (transmitter of WAAB).

WNEL—Juan Piza, San Juan, P. R.—Modification of construction permit granted 12-15-33 to move transmitter to Brau and Tanca Streets, San Juan, P. R., and extend completion date to 90 days after grant.

WESG—Cornell University, Elmira, N. Y.—Modification of license to change frequency from **1040 kc.** to **1090 kc.**, daytime operation until local sunset at Hot Springs, Ark.

WORC—Alfred Frank Kleindienst, Worcester, Mass.—Extension of special experimental authority to operate on **1280 kc.**, power 500 watts, unlimited time, for period of three months; directional antenna to be used.

WNBH—Irving Vermilyea, tr/as New Bedford Broadcasting Co., New Bedford, Mass.—Consent to voluntary assignment of license to E. Anthony & Sons, Inc.

Second Zone

WIBM—WIBM, Inc., Jackson, Mich.—License to cover construction permit granted 2-29-34 to move studio and transmitter locally and make equipment changes.

NEW—F. L. Whitesell, Forty Fort, Pa.—Construction permit to erect new station to operate on **930 kc.**, power of 1 KW, daytime. Amended to be considered under Rule 6.

NEW—William George Darrall, New Kensington, Pa.—Construction permit to erect new station to operate on **1420 kc.**, power of 50 watts, S. H.

WPEN and WRAX—Wm. Penn Broadcasting Company, Philadelphia, Pa., and WRAX Broadcasting Company, Philadelphia, Pa.—Modification of construction permit (2-P-B-2509) for extension of completion date to 8-1-34.

WRAK—WRAK, Inc., Williamsport, Pa.—Construction permit to move transmitter to 244 W. 4th Street, Williamsport, Pa., and make equipment changes.

WORK—York Broadcasting Co., York, Pa.—Special experimental authority to change frequency from **1000 kc.** to **1320 kc.**; change time from day to unlimited; make changes in equipment, using directional antenna for period ending 8-1-34, with power of 1 KW.

Third Zone

WENC—Americus Broadcast Corp., Albany, Ga.—Modification of construction permit granted 12-5-33 to move station and install new equipment for extension of completion date to 6-5-34.

NEW—F. N. Pierce of F. N. Pierce & Co., Taylor, Tex.—Construction permit to erect new station to operate on **1340 kc.**, power of 250 watts, unlimited time.

WREC—WREC, Inc., State Line (Desoto Co.), Miss.—Construction permit to increase power from 500 watts, 1 KW LS, to 1 KW, 2½ KW LS; move transmitter from Whitehaven, Tenn., to location 5 miles north of Memphis, Tenn., exact location to be determined; move studio from Hotel Peabody to U. S. Highway No. 51, State Line (Desoto Co.), Miss.; also make changes in antenna system.

KGHI—Loyd Judd Company, Little Rock, Ark.—Special experimental authorization to use power of 250 watts, night.

WCSC—South Carolina Broadcasting Co., Inc., Charleston, S. C.—Modification of license to increase power from 500 watts to 500 watts, 1 KW LS.

WJEM—Britt A. Rogers, Jr., Tupelo, Miss.—Modification of construction permit for extension of commencement and completion dates to immediately and 8-1-34, respectively.

KXYZ—Harris County Broadcast Co., Houston, Tex.—Special experimental authority to increase power from 250 watts to 500 watts; also make changes in equipment.

WPTF—WPTF Radio Company, Raleigh, N. C.—Extension of special experimental authorization to operate until 8 p. m., PST, for period ending 2-1-35.

Fourth Zone

KWCR—Cedar Rapids Broadcast Co., Cedar Rapids, Iowa—License to cover construction permit granted 1-16-34 and modifications.

WIND—Johnson-Kennedy Radio Corp., Gary, Ind.—Construction permit to install new equipment and increase power from 1 KW to 1 KW, 2 KW LS. Amended re equipment and increase power to 1 KW, 2½ KW LS.

Fifth Zone

None.

APPLICATIONS RETURNED

WQAM—Miami Broadcasting Co., Inc., Miami, Fla.—Construction permit to move transmitter locally. (Applicant's request.)

WQAM—Miami Broadcasting Co., Inc., Miami, Fla.—Construction permit to move auxiliary transmitter locally. (Applicant's request.)

WKBO—Keystone Broadcasting Corp., Harrisburg, Pa.—License to cover construction permit (2-P-B-3188) to make equipment changes and move station locally. (Jurat and geographical location.)

WRAK—WRAK, Inc., Williamsport, Pa.—Construction permit to move transmitter to 244 W. 4th Street, Williamsport, Pa., and make changes. (Sections 14 and 15.)

The National Association of Broadcasters

NATIONAL PRESS BUILDING ★ ★ ★ ★ ★ WASHINGTON, D. C.

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★ ★ ★ ★

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WAGNER AMENDMENT LOSES IN SENATE

By a vote of 42 to 23 the Wagner-Hatfield amendment to the Dill Communications Commission bill was defeated in the Senate on Tuesday. The Dill bill, however, with a number of amendments was adopted by the Senate. The bill now goes to the House.

In the meantime the House Interstate Commerce Committee concluded public hearings on the Rayburn Communications Commission bill and began consideration of the Rayburn measure in executive session. The Rayburn bill, in its original form, does not affect the present radio law and has the support of the broadcasters. Whether or not the Rayburn Committee will accept the amendments inserted in the Dill bill by the Senate was problematical. The NAB is taking the position that the Rayburn bill should be passed in its original form with such perfecting amendments as may be necessary and that the Senate amendments should be dropped from consideration in the House.

The Rayburn Committee has had three executive sessions and will undoubtedly continue its sessions next week with a view to reporting a bill some time next week.

Among the proposals before the Rayburn Committee is the amendment offered by Father Harney of WLWL to cancel all licenses within 90 days after passage of the act and reallocate all frequencies, giving 25 per cent to educational, religious and similar institutions. The NAB has protested against the adoption of the Harney amendment by the Committee and if adopted will carry the fight to the House floor.

In order that NAB members may be informed of the debate on the Dill bill which took place in the Senate last Tuesday, a report of the debate and vote, taken from the *Congressional Record,* is reproduced in this bulletin. All stations are urged to read every line of the debate carefully.

Stations are asked to keep in readiness for action in the event the Harney amendment is reported by the Rayburn Committee. The question is still a live one in the House and is being watched carefully.

As this issue of NAB Reports went to press, the complete text of the Dill bill was not available.

REPORT OF DEBATE ON DILL BILL

The report of the debate on the Dill bill taken from the *Congressional Record* follows:

REGULATION OF COMMUNICATIONS BY WIRE OR RADIO

The Senate resumed the consideration of the bill (S. 3285) to provide for the regulation of interstate and foreign communications by wire or radio, and for other purposes.

Mr. DILL. Mr. President, the communications bill is a bill of 104 printed pages. That, of course, is rather a large legislative document. I call attention, however, in the beginning to the fact that probably 70 to 75 pages of it comprise a rewriting of existing radio law and its amendments and of the Interstate Commerce Act and its amendments, and that the other parts of the bill which are new are the parts which create the new commission and provide for certain additional powers which the committee thought were necessary for the newly created commission to have for effective regulation.

There are a few sections in the bill which adapt certain provisions of the Interstate Commerce Act heretofore applying only to railroads, making them applicable to telephone and telegraph regulation. There are some sections in regard to radio regulation which were in H.R. 7716, a bill passed by both Houses of Congress in 1933, which did not receive the signature of the President and died with the end of the session.

Briefly, the bill creates a new commission to be known as the "Communications Commission." It abolishes the Radio Commission and transfers all radio regulation to one division of the Communications Commission. It also repeals the radio laws which now exist and substitutes the provisions of this bill. It also transfers all powers over telephone and telegraphic communications from the Interstate Commerce Commission and the Postmaster General to the Communications Commission.

I invite attention to why it seemed important to us that we should enact new legislation rather than merely transfer the existing powers in existing law. The Interstate Commerce Act has been evolved over a period of about 50 years. I have in my hand a book of 242 pages and a supplement of 59 pages comprising the Interstate Commerce Act and amendments to it written primarily for the control of transportation. In 1910 an amendment was adopted which applied certain provisions of the then Interstate Commerce Act to telephone and telegraph companies and added certain new provisions. Since that time the Interstate Commerce Commission has given what might be called cursory attention to the regulation of telephone and telegraph matters, but in practical operation the regulation of the telephone and telegraph companies has been really nothing effective. It has amounted to very little. The Interstate Commerce Commission has been so busy with railroad questions that it has never given much attention to telephone and telegraph companies, and the latter business has grown only recently to such proportions that there have been sufficient complaints on the part of the public to seem to justify a separate organization to regulate and control them.

The Radio Act had in it certain provisions which have become obsolete. When written it referred to the Commerce Department certain powers for certain purposes. It also had a number of amendments made to it, and it seemed desirable to collect all those provisions in the new bill.

Then, too, there should be a regulation of the rates of radio telephone and radio telegraph if we are to have regulation of the rates of wire telephone and wire telegraph. I shall not today take the time of the Senate to enlarge at any length upon the size of the industry or all that it involves. I do want to call attention, however, to just a few facts.

The telephone monopoly and associated corporations have a capitalization and a tentative valuation of more than $5,000,000,000. There are more than 20,000,000 individual telephones in the United States. Last year it was reported there were 27,000,000,000 individual telephone calls made by the people of the United States and more than 200,000,000 written messages over telegraph and cable. That is the largest use of communications service of any part of the world; in fact, I think it is as large as all the rest of the world combined.

Before I attempt to analyze the bill in detail permit me to say that the bill has been prepared with great care. After rather lengthy hearings a subcommittee of five members was appointed. I then secured the assistance of a representative of the Interstate Commerce Commission, Mr. Stough, who is an examiner; a representative of the Radio Commission; the acting chief counsel, Mr. Porter; and a representative from the State Department, Mr. Stewart, who handles communications. We had also Mr. Boots, of the legislative counsel of the Senate. In addition I had assisting me in connection with the legislation Mr. Stephan, who is an examiner of the Interstate Commerce Commission, and who was loaned to the committee for this work. These gentlemen went over the bill, not once but again and again, line by line, to see that it covered so far as possible all the existing law that is in the statutes which we are proposing to repeal, and also to see that it did not seriously conflict. I am safe in saying, therefore, it is one

of the most carefully prepared bills that has been reported for sometime, at least by this committee.

After the subcommittee had gone over it with great care and revised it repeatedly, it was reported to the full committee and given some consideration there. Like any other piece of legislation, it may have its mistakes and weaknesses; but from a drafting standpoint, I maintain it is a very carefully prepared bill.

Mr. COUZENS. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Michigan?

Mr. DILL. I yield.

Mr. COUZENS. May I ask if my understanding is correct that there is no authority in the bill to permit any consolidation of radio, telegraph, and telephone companies?

Mr. DILL. There is not. The bill reenacts section 17 of the present radio law of 1927, which specifically prohibits any merging of radio, telegraph, and cable services. It reenacts, however, that provision of the Interstate Commerce Act which permits the continuation of the merging of telephone companies which has been going on for many years.

Mr. COUZENS. But it would not permit the consolidation of the Postal and the Western Union?

Mr. DILL. No; it would not permit that, primarily because of the fact that the Postal and the Western Union are tied up with radio and cables in such a manner that a union of their subsidiary corporations would bring about a union which is forbidden by section 17 of the existing radio law.

Mr. COUZENS. Mr. President, will the Senator yield further?

Mr. DILL. I yield to the Senator.

Mr. COUZENS. Assuming that all these holding companies and consolidations and affiliations should be segregated, and the Postal and the Western Union should become separate entities, would they, under the proposed law, be permitted to consolidate?

Mr. DILL. No; I think not. There is no special statute permitting it, and therefore the antitrust statute probably would apply.

Now, taking up the bill, title I, containing the general provisions of the bill, creates a commission for the regulation of all radio and telephone and telegraph communications. We have attempted in title I to reserve to the State commissions the control of intrastate telephone traffic. We have kept in mind the fact that the Interstate Commerce Commission, through the Shreveport decision and the decisions in other similar cases, has gone so far in the regulation of railroads that the so-called "State regulation" amounts to very little.

We have attempted, in this proposed legislation, to safeguard State regulation by certain provisions to the effect that where existing intrastate telephone business is being regulated by a State commission, the provisions of the bill shall not apply. We have in mind, for instance, cases where a city has telephone service connecting into a number of States, such as we have right here in Washington, running out into Maryland and out into Virginia, and in New York the service runs into New Jersey, and I think perhaps into Connecticut, though I am not sure about that. There are many cases in the country where, without some saving clause of that kind, the State commissions might be deprived of their power to regulate; and the State commission representatives were jealous, in the preparation of this bill, that those rights should be protected, and we have attempted to do that.

Most of the definitions—and there are a considerable number of definitions—are taken from the present radio act, from the Interstate Commerce Act, and from the International Convention on Radio that is in force throughout the world.

This bill creates a Commission of five members. They are appointed for terms of 2, 3, 4, 5, and 6 years, and then are to be appointed for terms of 6 years, the salary being $10,000 per year. I think the usual provisions relating to commissions are pretty well followed in the bill, with one exception. The bill sets up in the Commission two divisions—one the radio division, the other the telephone and telegraph division—and attempts to prescribe the jurisdiction of these divisions, and provides that the action of a division shall be the action of the Commission; each division to have two members, with the chairman acting as the chairman of each division when it is necessary for him to serve in that capacity.

That is a variation from the method that has been previously used, and I desire to say frankly that some members of the committee were doubtful about the wisdom of the provision; but it was kept in the bill, I think, because of this fact: When the Commission is created, if the action of a division is allowed to be appealed to the full Commission, as is the case in the Interstate Commerce Act, so many applications for changes of power and frequency and allotments of time by radio stations are likely to come to the Commission, and whatever may be the decision of a division those decisions will be appealed to the full Commission, that the danger is that the full Commission will become a body giving all its time or the major part of its time to radio only, and that the regulation, study, and investigation of telephones and telegraphs will not receive the full time and attention that is believed necessary if there is to be any effective regulation.

It may be that the jurisdictional provision which attempts to say what each division shall handle will prove unworkable, or prove somewhat inflexible in operation; but, if that be the case, the Commission is specifically directed to report back to the Congress next February any recommendations it may desire to make for new legislation, and the Congress can easily remove the provision that sets up the divisions as I have stated.

I desire to say that the subcommittee and the full committee gave considerable consideration to this provision, recognizing that it is a departure from the ordinary method. It was adhered to in the report of the bill primarily in the hope that a certain number of members of the Commission would give their entire time to a study of the telephone and telegraph question, which never has been studied, and because of which there never has been any effective regulation.

I call attention in that connection to the report of Dr. Splawn, who was employed by the Committee on Interstate and Foreign Commerce of the House of Representatives to study the tariff question. His report indicated that there is a tremendous amount of work to be done if the facts are to be secured that are necessary to effective telephone regulation.

Title II——

Mr. COUZENS. Mr. President, before the Senator reaches that title, I should like to ask him a question. I was not able to follow the bill all through the committee. May I ask why the committee left out all reference to civil service as it appears on page 9?

Mr. DILL. I think the bill provides for civil service with the exception of certain employees.

Mr. COUZENS. That is what I wanted to draw to the Senator's attention. There is a very long list of exceptions, much longer than usually appears where exceptions are made to civil-service regulations.

Mr. DILL. I think not, with the exception that we have provided for a director of each division, and for a clerk to each commissioner. I think one of the weaknesses of the commission system in the civil service is that a commissioner is not able to pick his own clerk; and it seemed to the committee that a commissioner ought to have the right to select one confidential clerk outside the civil service.

Mr. COUZENS. I am not out of harmony with the committee's view in that respect, but I wish to draw the Senator's attention to the particular language at the top of page 9, which says:

> Without regard to the civil-service laws or the Classification Act of 1923, as amended, (1) the commission may appoint and prescribe the duties and fix the salaries of a secretary, a chief engineer and one or more assistant chief engineers, a general counsel and one or more assistants, experts, and special counsel—

It seems to me the word "experts" includes the whole category.

Mr. DILL. No; those are the provisions, I think, that are now in the Radio Act and, I think, to a limited extent in the Interstate Commerce Act. The second provision, providing for a clerk, is new, and also the provision for a director of the division. The director of the division was provided for the reason that it was believed that a great many purely administrative acts requiring no particular discretion can be performed by a director if he is authorized by the commission to perform them, his acts, of course, always being subject to revision, modification, reversal, or appeal to the Commission. That is especially true in the radio division, where there are so many thousand amateur applications presented and licenses to be issued; and I think there will be a great deal of work in the telegraph and telephone division that can be done in that way.

Title II is the common-carrier section, and provides for the regulation of telephones and telegraphs, both wire and wireless. Under this title most of the sections are taken from the Interstate Commerce Act; but section 201 is an adaptation of a provision of the Interstate Commerce Act now applying to railroads. It provides that the Commission may set up through routes by physical connections if it finds it necessary to do so, just as may be done now with railroads. The committee believed that was a power the Commission should have if it was to be effective in its regulation.

Section 202, paragraph (b), is new, and covers the regulation of the charges for chain broadcasting. That section was thought

to be desirable because tbe charges for tbe use of wires for chain broadcasting have been without any control whatsoever.

Section 203 is a requirement for the publication and filing of scbedules and is taken from tbe Interstate Commerce Act, which at the present time applies only to railroads. It was the thought that tbat provision sbould be applied to telephone and telegraph schedules.

Section 204 gives power to suspend new rates, just as is done by section 15 of tbe Interstate Commerce Act, relating to railroads.

Section 211 expands the interstate commerce provisions so that tbe Communications Commission may require copies of all contracts by communication companies instead of only contracts with other carriers, as the law now requires. This was recommended by the Radio Commission.

Section 212 extends tbe prohibition against interlocking directorates to tbe communication companies—that is, extends it to the point tbat the directorates must be approved by the Commission.

Mr. BLACK. Mr. President, will the Senator yield?

Mr. DILL. I yield to the Senator.

Mr. BLACK. The Senator has passed over section 207.

Mr. DILL. That section is copied from the Interstate Commerce Act. Tbe sections I am not mentioning bave been copied from tbe Interstate Commerce Act practically verbatim.

Mr. BLACK. Section 207 provides that a suit can be filed eitber before tbe Commission or before any district court of the United States of competent jurisdiction. Tbat is not intended to deprive the State court of jurisdiction?

Mr. DILL. I do not know that it deprives it of jurisdiction, but it provides specifically tbat tbe suit may be brought in that way. Tbe section is copied from tbe Interstate Commerce Act now applying to telephones and telegraphs. It is tbe existing law.

Section 213 makes tbe valuation of communication company properties permissive instead of mandatory, as section 19 (a) of tbe Interstate Commerce Act does as to railroads.

Section 214 provides for certificates of necessity for communication companies, such as are required for railroads, although there are inserted provisions giving the Commission power to be quite liberal in its interpretation of the section.

Section 215 is the investigation section; and I desire to say something about that.

When the bill was originally introduced, we provided that tbe Commission sbould have control over what are known as "interservice contracts" between tbe parent and the subsidiary company. The language was quite broad. Mr. Gifford, of tbe telephone company, was insistent that it would wreck tbe telephone company's business and make it impossible for the company to do business, and painted a very black picture.

In ligbt of tbe fact that it was an entirely new power, the committee struck out tbat provision and substituted, instead, a direction to tbe Commission to make a study of these interservice contracts, and report to Congress regarding tbem, and to recommend to Congress whether there should be legislation controlling tbe contracts between the parent and its subsidiaries and affiliates.

I think it is generally well known by those who know anything about tbe set-up of the telephone monopoly, tbat under tbe present arrangement the parent telepbone company, the American Telephone & Telegrapb, not only owns tbe operating companies in tbe principal cities in the United States—I understand there are some 71 companies—but it owns the manufacturing company, the Western Electric, wbicb supplies the operating companies with the equipment of the telephone business, and there is no competitive bidding on the part of those wbo would sell equipment to tbe operating companies.

Cbarges have been made—and they bave been quite free and quite broad—that tbere is a tremendous spread of profit between the cost to tbe Western Electric of manufacturing the equipment and the prices paid by the operating companies wbich buy tbe equipment from Western Electric, the result being not only that there is an enormous profit on the operating equipment but the investment of tbe operating companies in equipment becomes part of the rate base in the various States, upon which the subscribers must pay a sufficient amount to give a return of a reasonable percentage.

How mucb of these charges are true I cannot say, but it seemed to the committee that it was highly desirable tbat the Commission should investigate that whole situation and report back to Congress as to whetber or not the Commission sbould be given authority to control sucb contracts and to control competitive bidding.

It is a policy wbich has developed not only in tbe telepbone business, but we are all familiar with the way it bas worked with all corporations wbicb own subsidiaries and affiliates. Particularly is tbat true in the power business, where they build bridges, dams, and plants tbrough the means of subsidiaries, and pad tbe costs of the projects.

On page 32 the committee added an amendment providing that the Commission should investigate the methods by which the wire-telephone companies are furnishing wire-telegraph service and wire-telephone companies are furnishing wire-telephone service. In tbe code bearings recently many charges have been made back and fortb as to the practices of these companies. The committee, not knowing the facts, felt that this was something the Commission should investigate, and that it sbould make a report to Congress with its recommendations.

Mr. BLACK. Mr. President, will the Senator yield?

Mr. DILL. I yield.

Mr. BLACK. Looking at section 215, whicb the Senator was just discussing, does the Senator construe that section as giving authority to the Commission to investigate tbe profits, for instance, of the company which supplies the equipment?

Mr. DILL. That is the intent. It may be tbat it is not broad enough. If the Senator tbinks tbe language needs broadening, I should be very glad to have him suggest an amendment. The intent is to give tbe Commission power to find all the facts and report back to tbe Congress as to whether the Commission should be given power to control the contracts.

Mr. BLACK. I assumed that was the intent, and I doubt whether tbe language is broad enough.

Mr. DILL. I shall be very glad to have the Senator offer an amendment, if be tbinks it is not sufficiently broad, and I will be glad to consider it.

The sections I am not reading are sections which are copied practically verbatim from the Interstate Commerce Act, and are existing law. Section 219 provides for the reports of subsidiaries and affiliates and requires the naming of stockholders who own more than 5 percent of the stock. Whether that will be particularly effective or not is doubtful. I understand tbat there is nobody who owns 5 percent of the stock in the telepbone business. The telephone company has put on a campaign to bave its subscribers buy a share of stock, and in that way make tbem interested, of course, in the perpetuation of the financial system of the teelphone company. But certainly it is not a burdensome requirement, to say the least. We also require reports on the salaries and bonuses of the officers and directors, and tbat is new as compared with the existing law, as it is provided in the Interstate Commerce Act.

Title III refers to the radio division, and is largely a rewriting of the provisions of the radio law of 1927, which are, in effect, of amendments which have been adopted, and of provisions of H.R. 9716, which passed both Houses, but was not signed by tbe President, and did not become a law because of the expiration of tbe Congress on March 4, 1933.

There are one or two new sections in that title which I desire to mention. Section 307 provides for a study of the question of the allocation of facilities for educational and religious broadcasting. I think perhaps every Senator here bas bad one or more telegrams or letters urging support for an amendment whicb is pending, offered by the Senator from West Virginia [Mr. HATFIELD] and the Senator from New York [Mr. WAGNER], seeking to allocate by statute 25 percent of the radio facilities to tbose engaged in broadcasting on a non-profit basis.

I may say that the committee considered that amendment, voted on it, and rejected it, but felt that this question was of such importance, and that there was so much public sentiment in this country for a larger use of radio facilities for educational and religious and other nonprofit purposes, for broadcasting on a nonprofit basis, that it would be well to have the Commission make a study of the subject and report to Congress as to whether or not Congress should actually legislate on it, or whetber the Commission should handle it, and what its plans might be. I sball not discuss that further at this time but will probably bave something to say about it when the amendment is presented to the Senate.

Mr. BONE. Mr. President, will the Senator yield?

Mr. DILL. I yield.

Mr. BONE. I have in my hand a copy of the so-called "Wagner-Hatfield amendment," and I gather from a hasty reading of it that it provides for the allocation of a certain percentage of licenses to be issued to broadcasting stations. Is that to be confined to new stations, or is it to apply to old stations to be set over to tbat type of work, or is it to apply to part of the time on present stations?

Mr. DILL. The Senator will have to judge that language, and I would rather not discuss the amendment now, because it will be offered at a later time.

Mr. BONE. I have not had time to read it carefully.

Mr. DILL. We will have time to discuss it later.

I call attention also to section 310, which considerably changes the present law relating to foreign ownership of communication companiees and makes these requirements apply to the holding companies.

The holding company system has made such legislation necessary. A private corporation comes to the Radio Commission and secures a license to do business, and then we find that that private corporation is merely a suhsidiary of some hig company that is interested in a great many other organizations, perhaps communication companies and organizations of another nature, and is in reality the power that determines what use shall be made of those radio facilities.

The committee gave very careful consideration to this provision. It is a controversy which is not new. It has heen before the committee and has heen hrought up on the floor of the Senate repeatedly. No doubt Senators who have given any study to the subject are familiar with the fact that the officials of the Navy Department insist that we should have 100-percent-owned foreign communications, and that there should he 100-percent American directorates. At first thought, that appeals to many who study the question, but in practical operation, it is found that it is too rigid a requirement, and that it would not he necessary to have such a provision in order to protect our communications system in case of trouhle with a foreign country. So, after much consideration and study, the committee has written into the bill a provision that none of the officers of the company shall he foreigners, that not more than one-fifth of the capital stock shall he owned and voted by foreigners, and that not more than one-fourth of the directors shall he foreigners, and have extended the time for these requirements to go into operation until June 1, 1935.

We did that for the reason that one of the companies thinks it is necessary to go to the legislature of the State in which it was incorporated and secure some change of law in order that it may change its charter. I personally do not think that is necessary, hut not desiring to he unjust in any manner to any of these companies, we agreed to this provision.

I think we have amply safeguarded the protection of the American communications service, because, after all, if an emergency shall arise and the country shall go to war, the President will have power under the law to seize all communication companies, and have absoluate control of all communication companies with facilities in the United States. So that really I think the law fully protects American rights, and, at the same time, will permit our international communication companies to compete with companies in foreign countries with whom they must compete to estahlish facilities in those countries.

Title IV is the procedural and administrative section. Most of this title is taken from the existing law, hut I wish to speak particularly of section 402, which is the section relating to appeals.

Before I do that, however, I think I ought to say something ahout sections 313 and 314, which relate to the prohihition against monopoly and to conviction by courts.

We change the law slightly there, so that if the court which has the power to take away the license of a licensee because it has violated the antitrust law, finds the licensee guilty but does not take away that license, then the Commission will not be compelled to revoke the license, hut, of course, if the court takes away the license, the Commission will be prohihited from granting another license. The change was one which was insisted upon by certain organizations, and it seemed fair to the committee to do that.

Section 402, concerning which I started to speak, is what is known as the appeals section relating to the courts. There was considerahle difference of opinion in the committee, and especially in the suhcommittee, regarding this appeals section. We were confronted with a difficult prohlem. The Intertsate Commerce Act provides for appeals from its orders and appeals from its actions in what are known as the "three-judge" district courts of the country. The Radio Act provides for all appeals under that act in the courts of the District of Columhia.

If we shall have one commission handling the entire wire and wireless system, it would seem rather incongruous to have two systems of appeal. In any case it would hardly he proper that the appeals from the decisions of the Commission relating to the common carriers engaged in wire communications should go to one set of courts and those relating to common carriers engaged in wireless communications should go to another set of courts. So we wrote this provision providing that certain of the decisions of the Commission should he appealed to the three-judge district courts and that certain exceptions should be made relating to decisions of the Commission affecting radio. It provides that the three-judge court appeal provision may apply to orders of the Commission "applicahle to suits to enforce, enjoin, set aside, annul, or suspend any order of the Commission under this act (except any order of the Commission granting or refusing an application for a constructive permit for a radio station, or for a radio station license, or for renewal of an existing radio station license, or for modification of an existing radio station license)."

Those exceptions are to be prosecuted in the district courts as under the existing Radio Act, and we have followed the language of the appeal section of existing radio law as to those particular appeals.

I desire to call attention to what I think is an important fact to consider in this appeal provision. Those owners of radio broadcasting stations living long distances from the District of Columhia should not be required to come to Washington to prosecute an appeal from a decision for which they were not responsihle. When I say "were not responsihle" I mean a decision which was granted against them or affecting them when they did not bring the case into court. A station owner who lives in the Rocky Mountain area, or who lives in the far West, and who is compelled to come to the District of Columhia to prosecute his appeal, finds himself faced with an expense of from $400 to $500 for the mere trip of coming here, an equal amount for his attorney, if he brings one, and then the attorney fees in addition. I say of personal knowledge that some of the station owners have found it almost impossihle to finance appeals in that way. So we provide that where the decisions of the Commission are made in cases wherein the stations took no part in heginning the suits, appeal may be taken in the three-judge district courts in the jurisdictions where the stations are located. But in the case where the applicant for the license or the permit, or whatever it may he, comes to the Commission and asks for a change in his license or asks for a new license, or asks for something to be done hy the Commission, then if the Commission makes a decision from which he desires to appeal he must make his appeal in the courts of the District of Columbia.

In other words, if the station owner has money enough to come here in the heginning to prosecute his case hefore the Commission, it is fair to assume that he has money enough to continue the appeal here. Not only that, hut the refusal of the Commission to grant an application is a decision from which no appeal can be taken in the Federal district courts. It must be taken in the courts of the District of Columhia. So we have worked out this amendment, which is not satisfactory to all members of the committee, but which I think is fair, and which I helieve will be found to he practicahle and to work in a satisfactory manner.

Title V is the penal section, and comhines the provisions of the Interstate Commerce Act and of the Radio Act as to penalties and forfeitures, although we have reduced the amounts of the penalties and the forfeitures considerably from that they are in the Interstate Commerce Act, for the reason that we felt that not so much money heing involved and not so large interest being involved it was not fair to make the penalties so severe.

In title VI will be found the miscellaneous provisions which are to provide for the transfer of employees and the records and the property of the Radio Commission, and the unexpired appropriations, and the provisions that the new Commission may change, of course, the compensation and classification of the employees.

I have made this general statement. I have omitted discussing many parts of the hill for the reason that they are copied directly from existing law or acts which have heen previously passed by hoth Houses. If any Senator desires to ask any question I should be glad to answer them. If not I shall ask to take up the committee amendments first.

Mr. President, I ask unanimous consent that the hill may be read and that the amendments of the committee may first be considered.

The PRESIDING OFFICER (Mr. MURPHY in the chair). Is there ohjection? The Chair hears none, and it is so ordered.

The first amendment was, in section 3, paragraph (r), page 6, line 15, after the word "exchange," to insert a comma and the words "and which is covered by the exchange service charge," so as to make the paragraph read:

> (r) "Telephone exchange service" means service within a telephone exchange, or within a connected system of telephone

exchanges within the same exchange area operated to furnish to suhscrihers intercommunicating service of the character ordinarily furnished hy a single exchange, and which is covered hy the exchange service charge.

The amendment was agreed to.

The next amendment was, in section 5, paragraph (c), on page 14, line 4, after the word "exceed," to strike out "$8,000" and to insert in lieu thereof "$7,500," so as to make the paragraph read:

(c) Each division may (1) appoint a director, without regard to the civil service laws or the Classification Act of 1923, as amended, at an annual salary which shall not exceed $7,500 per annum; and (2) hear and determine, order, certify, report, or otherwise act as to any matter under its jurisdiction, and in respect thereof the division shall have all the jurisdiction and powers conferred by law upon the Commission, and be subject to the same duties and ohligations. Any action so taken by a division and any order, decision, or report made or other action taken hy either of said divisions in respect of any matters assigned to it shall have the same force and effect, and may he made, evidenced, and enforced in the same manner as if made or taken hy the Commission. The secretary and seal of the Commission shall be the secretary and seal of each division thereof.

The amendment was agreed to.

The next amendment was, in section 5, paragraph (d), on page 14, line 16, after the word "prescrihe," to insert a comma and—

And may he affirmed, modified, or reversed: *Provided, however,* That the authority of a director to make orders shall not extend to investigations instituted upon the Commission's own motion nor, without the consent of the parties thereto, to contested proceedings involving the taking of testimony at public hearings.

So as to make the paragraph read:

(d) The director for each division shall exercise such of the functions thereof as may he vested in him hy the division, hut any order of the director shall be subject to review hy the division under such rules and regulations as the Commission shall prescrihe, and may he affirmed, modified, or reversed: *Provided, however,* That the authority of a director to make orders shall not extend to investigations instituted upon the Commission's own motion nor, without the consent of the parties thereto, to contested proceedings involving the taking of testimony at puhlic hearings.

The amendment was agreed to.

The next amendment was, in section 202, paragraph (a), page 16, line 8, after the word "discriminate," to insert the word "unjustly"; and on line 10, after the word "with," to strike out the word "such" and to insert in lieu thereof the word "like," so as to make the paragraph read:

SEC. 202. (a) It shall be unlawful for any common carrier to discriminate unjustly in charges, practices, classifications, regulations, facilities, or services for or in connection with like communication service, directly or indirectly, hy any means or device, or to make or give any undue or unreasonahle preference or advantage to any particular person, class of persons, or locality, or to suhject any particular person, class of persons, or locality to any undue or unreasonahle prejudice or disadvantage.

Mr. COUZENS. May I ask just why the word "unjustly" is inserted? Will the Senator from Washington please interpret that?

Mr. DILL. There was some thought on the part of some members of the committee that possibly the word "unjustly" was necessary so that there could not he any douht as to discrimination. I do not think it is particularly important. Has the Senator any objection to it?

Mr. COUZENS. It seems to me that it would put a restriction on the Commission which is hardly necessary in the act.

Mr. DILL. There might he minor variations which it was felt ought to he overlooked and that it would make the provision a little stronger.

Mr. COUZENS. I have always assumed that a discrimination was unjust per se.

Mr. DILL. I presume that is true.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The next amendment was, in section 214, paragraph (a), on page 29, line 7, after the word "service," to insert "or the supplementing of existing facilities," so as to make the paragraph read:

SEC. 214. (a) No carrier shall undertake the extension of any line, or the construction of a new line, or shall acquire or operate any line, or extension thereof, or shall engage in transmission over or hy means of such additional or extended line, unless and until there shall first have heen ohtained from the Commission a certificate that the present or future puhlic convenience and necessity require or will require the construction, or operation, or construction and operation, of such additional or extended line: *Provided,* That the authority conferred upon the Commisison hy this section shall not extend to the construction, operation, or extension of (1) a line within a single State, unless said line constitutes part of an interstate line, or (2) local, hranch, or terminal lines not exceeding 10 miles in length: *Provided further,* That the Commission may, upon appropriate request heing made, authorize temporary or emergency service, or the supplementing of existing facilities, without regard to the provisions of this section.

The amendment was agreed to.

The next amendment was, in section 215, on page 32, line 9, to insert a new suhsection, as follows:

(h) The Commission shall investigate the methods by which and the extent to which wire telephone companies are furnishing wire telegraph service and wire telegraph companies are furnishing wire telephone service, and shall report its findings to Congress, together with its recommendations as to whether additional legislation on this subject is desirahle.

The amendment was agreed to.

The next amendment was, in section 307, paragraph (h), on page 50, line 11, after the word "located," to strike out "*Provided further,* That no frequency used for hroadcasting shall be reserved for the use of one station for a distance of more than 2,200 miles, airline, if any person, capahle of rendering radio service in the puhlic interest, make application to operate broadcasting apparatus on any frequency so reserved, at a point beyond the distance of 2,200 miles, airline, from the station or stations already licensed and operating on said frequency, and all applications and licenses considered and granted under this provision shall not be counted as a part of the quota of the zone in which said additional stations are located"; on line 23, after the word "may," to strike out "without regard to quota restrictions"; and on line 25, after the word "exceeding," to strike out "250" and to insert in lieu thereof "100," so as to make the paragraph read:

(b) It is herehy declared that the people of all the zones estahlished by this title are entitled to equality of radio hroadcasting service, hoth of transmission and of reception, and in order to provide said equality the Commission shall as nearly as possihle make and maintain an equal allocation of hroadcasting licenses, of hands of frequency, of periods of time for operation, and of station power, to each of said zones when and insofar as there are applications therefor; and shall make a fair and equitahle allocation of licenses, frequencies, time for operation, and station power to each of the States and the District of Columhia, within each zone, according to population. The Commission shall carry into effect the equality of hroadcasting service hereinhefore directed, whenever necessary or proper, hy granting or refusing licenses or renewals of licenses, hy changing periods of time for operation, and hy increasing or decreasing station power, when applications are made for licenses or renewals of licenses: *Provided,* That if and when there is a lack of applications from any zone for the proportionate share of licenses, frequencies, time of operation, or station power to which such zone is entitled, the Commission may issue licenses for the halance of the proportion not applied for from any zone, to applicants from other zones for a temporary period of 90 days each, and shall specifically designate that said apportionment is only for said temporary period. Allocations shall be charged to the State or District wherein the studio of the station is located and not where the transmitter is located: *Provided further,* That the Commission may also grant applications for additional licenses for stations not exceeding 100 watts of power if the Commission finds that such stations will serve the public convenience,

interest, or necessity, and that their operation will not interfere with the fair and efficient radio service of stations licensed under the provisions of this section.

The amendment was agreed to.

Mr. WHITE. Mr. President, I think I appreciate the strength of the sentiment in favor of an amendment of this sort. Certainly that sentiment was indicated in the last Congress. Yet I think we are making a serious mistake when we undertake in this respect to depart from the practice which has heretofore been followed and from the spirit of the present law.

The so-called "Davis allocation amendment" provided for an equal distribution of these facilities among the zones which were set up in the 1927 act, and provided for their distribution among the States within the zone according to the population thereof. This proposal lifts out from under that equalization amendment stations of 100 watts.

I myself have felt very strongly that the wise thing for us to do was either to adhere to the "Davis amendment," so-called, adopted in 1930, which provides for equality among the zones and for equality of service among the States, based on population, or that we should repeal the Davis amendment in its entirety and lodge in the licensing authority the jurisdiction and power to make allocations wherever it might seem possible to do it technically without undue interference with other services.

I simply want these views of mine to be a matter of record at this point. I think we are doing an unwise thing.

Mr. DILL. Mr. President, I want to say in justification of the amendment, especially for the benefit of some Senators who were not here at the time the Radio Act was passed, that the provision is designed to make it possible to have small stations, not exceeding a hundred watts in power, located in small communities far removed in many cases from existing stations. It is especially needed in those zones of large area, particularly in the western section of the country. We have found that a station of a hundred watts is heard only a short distance, and the Commission has established the policy of requiring most of the hundred-watt stations to be of the same frequency, because they cannot interfere with one another at very far distances.

Yet when applicants from different small communities have come to Washington and made application for a hundred-watt station to supply service to their particular communities, while the evidence might show that such a station could not possibly interfere with the service of any other station, yet because of the quota restriction, that State or that zone having exhausted its quota facilities so that a new station would exceed what is called the "quota" of the zone or State, the application must be denied.

So it seemed to the committee in the bill that was passed a year ago, and it seemed to the committee, I think, again that no serious harm could result in the equality of service by permitting the Commission, in its discretion, when it would not interfere with existing facilities, to violate that equality provision to the extent of a hundred watts, and allow many of the lonely communities of the country to have a radio station which could never have it otherwise. That is why the provision was put in the amendment.

Mr. O'MAHONEY. Mr. President, may I ask the Senator why the language in lines 23 and 24 on page 50, "without regard to quota restrictions," is stricken out?

Mr. DILL. Primarily because the law has never mentioned quotas. That is a device of the Radio Commission. The law says "equality of service and facilities," and we did not think it wise to give legal sanction to the word "quota." Many of us believe that the method of the present Radio Commission in arriving at this equality is not a sound method, and we did not want to give legal sanction to that method.

Mr. O'MAHONEY. Is not the word "quota" used to denominate the restrictions imposed by the Davis amendment?

Mr. DILL. No; it is not. It says "equality of radio service and radio facilities." The Commission invented the quota system and arbitrarily set up a certain value. I shall not go into that, for it would take too long; but it set up certain values for certain stations with certain power, and proceeded to charge, according to their own arbitrary figures, districts or zones and States and communities with what they called a "quota." We do not want by this legislation to bind the new Commission to that kind of an interpretation of "equality of service and facilities" provided by law.

Mr. O'MAHONEY. Did the Senator explain why, in the judgment of the committee, it was wiser to make a limitation of a hundred watts instead of 250 watts?

Mr. DILL. I think it was because the bill that passed in 1933 had that provision, and then I think that a 250-watt station might be so large as seriously to interfere with service.

Mr. O'MAHONEY. Would we not be safe in giving the Commission complete discretion?

Mr. DILL. That was what the Senator from Maine [Mr. WHITE] suggested. We debated in committee the wisdom of abolishing the Davis amendment and as to whether or not the whole matter should not be left to the Commission. I think I speak for the Senator from Maine as well as for myself when I say that neither of us felt strongly enough about it to propose a change or to make much of a fight. So we just concluded that this legislation should be enacted, and then later if the new Commission thinks it ought to be changed or Congress thinks it ought to be changed, we can consider that question.

Mr. O'MAHONEY. It is a fact, is it not, that under the David amendment there are certain western States which are in areas not overquotaed, so to speak, and which cannot receive any new licenses although they themselves have very few licenses.

Mr. DILL. The Senator's statement is correct. I think it may be said in justification of those of us who wrote the original radio law that when we created the zones we did not create them with any thought of the division of facilities, but we created them for the purpose of representation on the then radio commission. Later we found there was such a tremendous concentration of radio stations in a few centers of population that the wisest way to meet that situation was to use the zones and provide for equality of service.

The Senator from Wyoming was not in the Senate at that time, but there was a very strong feeling about it, and the fight was rather heated. So the creation of the zones was made not on the basis of radio facilities but on the basis of having a representation largely by the population of the country.

I think there is much to be said for the abolition of zones, and yet our experience with the concentration of great stations in a few communities was so unsatisfactory and aroused such bitter feeling that I have hesitated to move at this time to strike it out. It was my thought, and the thought of the committee, I think, that we might experiment to the extent of 100 watts and see whether or not it would cause and serious interference, and that possibly that would result in a sentiment to abolish the entire Davis provision.

Mr. O'MAHONEY. As I understand the Senator, the language which is now proposed is such that it will clothe the Commission with the power to establish new stations of 100 watts regardless of zones?

Mr. DILL. Yes; if the Commission finds that they will not interfere with other services.

Mr. NORRIS. Mr. President, I should like to ask the Senator how close in miles two stations of 100 watts may be located without interference?

Mr. DILL. I think generally they try to separate them by a hundred miles, and certainly not much more than that is required, although they might interfere with one another, but the service range of a 100-watt station is quite small; it is only a few miles.

Mr. NORRIS. How many miles?

Mr. DILL. Five, ten, or fifteen miles, at most, and it is not reliable at all beyond that distance. Probably 5 miles is all that it can actually be counted upon, although, in many cases, such a station can be heard for longer distances, and may oftentimes be heard for 15 or 20 miles.

Mr. WHITE. Mr. President, the interfering effect of these 100-watt stations, however, may be very great. It is the carrier wave which interferes and this may extend over a very appreciable distance, whereas the receptive quality of the transmission may be very much limited.

Mr. DILL. The Commission, however, tried to remedy that by placing these 100-watt stations with a view to wave lengths, letting them interfere with one another if they interfere at all.

The PRESIDING OFFICER. The clerk will state the next amendment reported by the committee.

The next amendment was, in section 307, paragraph (c), page 51, line 8, after the word "of," to insert the word "nonprofit"; in line 10, after the word "of," to insert "nonprofit"; and at the beginning of line 11 to insert "not later than February 1, 1935," so as to make the paragraph read:

> (c) The Commission shall study the proposal that Congress by statute allocate fixed percentages of radio broadcasting facilities to particular types or kinds of nonprofit radio programs or to persons identified with particular types or kinds of nonprofit activities, and shall report to Congress, not later than February 1, 1935, its recommendations, together with the reasons for the same.

The amendment was agreed to.

The next amendment was, in section 310, page 55, line 22, after the word "foreign," to strike out "country: *Provided, however,* That nothing herein," and insert the word "country"; and at the beginning of line 24, to insert "nothing in this subsection," so as to make the section read:

LIMITATION ON HOLDING AND TRANSFER OF LICENSES

SEC. 310. (a) The station license required hereby shall not be granted to or held by—

(1) Any alien or the representative of any alien;

(2) Any foreign government or the representative thereof;

(3) Any corporation organized under the laws of any foreign government;

(4) Any corporation of which any officer or director is an alien or of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or representatives thereof, or by any corporation organized under the laws of a foreign country.

(5) Any corporation directly or indirectly controlled by any other corporation of which any officer or more than one-fourth of the directors are aliens, or of which more than one-fourth of the capital stock is owned of record or voted, after June 1, 1935, by aliens, their representatives, or by a foreign government or representative thereof, or by any corporation organized under the laws of a foreign country.

Nothing in this subsection shall prevent the licensing of radio apparatus on board any vessel, aircraft, or other mobile station of the United States when the installation and use of such apparatus is required by act of Congress or any treaty to which the United States is a party.

(b) The station license required hereby, the frequencies authorized to be used by the licensee, and the rights therein granted shall not be transferred, assigned, or in any manner either voluntarily or involuntarily disposed of, or indirectly by transfer of control of any corporation holding such license, to any person, unless the Commission shall, after securing full information, decide that said transfer is in the public interest, and shall give its consent in writing.

The amendment was agreed to.

Mr. WAGNER. Mr. President, may I inquire whether under the procedure adopted in connection with the consideration of this bill the committee amendments are first to be disposed of, and that then we will be at liberty to offer individual amendments to the bill?

The PRESIDING OFFICER. The Senator is correct in his understanding. The clerk will state the next amendment reported by the committee.

The LEGISLATIVE CLERK. In section 311, page 56, line 15, after the word "station," it is proposed to strike out "to any person, or to any person directly or indirectly controlled by such person" and to insert "to any person (or any person directly or indirectly controlled by such person) whose license has been revoked under section 313, and is hereby authorized to refuse such station license and/or permit to any other person (or to any person directly or indirectly controlled by such person)," so as to make the section read:

SEC. 311. The Commission is hereby directed to refuse a station license and/or the permit hereinafter required for the construction of a station to any person (or to any person directly or indirectly controlled by such person) whose license has been revoked by a court under section 313, and is hereby authorized to refuse such station license and/or permit to any other person (or to any person directly or indirectly controlled by such person) which has been finally adjudged guilty by a Federal court of unlawfully monopolizing or attempting unlawfully to monopolize, after this act takes effect, radio communication, directly or indirectly, through the control of the manufacturer or sale of radio apparatus, through exclusive traffic arrangements, or by any other means, or to have been using unfair methods of competition. The granting of a license shall not estop the United States or any person aggrieved from proceeding against such person for violating the law against unfair methods of competition or for a violation of the law against unlawful restraints and monopolies and/or combinations, contracts, or agreements in restraint of trade, or from instituting proceedings for the dissolution of such corporation.

The amendment was agreed to.

The PRESIDING OFFICER. That completes the committee amendments.

Mr. WAGNER. Mr. President, I offer an amendment which I ask the clerk to read.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. It is proposed, on page 51, to strike out lines 6 to 12, inclusive; on page 51, line 13, to strike out "(d)" and insert in lieu thereof "(c)"; on page 52, line 1, to strike out "(e)" and insert in lieu thereof "(d"; and on page 52, after line 3, to insert the following:

(e) To eliminate monopoly and to insure equality of opportunity and consideration for educational, religious, agricultural, labor, cooperative, and similar non-profit-making associations, seeking the opportunity of adding to the cultural and scientific knowledge of those who listen in on radio broadcasts, all existing radio broadcasting licenses issued by the Federal Radio Commission, and any and all rights of any nature contained therein, are declared null and void 90 days following the effective date of this act, anything contained in this act to the contrary notwithstanding.

(f) The Commission shall, prior to 90 days following the effective date of this act, reallocate all frequencies, power, and time assignments within its jurisdiction among the five zones herein referred to.

(g) The Commission shall reserve and allocate only to educational, religious, agricultural, labor, cooperative, and similar non-profit-making associations one fourth of all the radio broadcasting facilities within its jurisdiction. The facilities reserved for, or allocated to, educational, religious, agricultural, labor, cooperative, and similar non-profit-making associations shall be equally as desirable as those assigned to profit-making persons, firms, or corporations. In the distribution of radio facilities to the associations referred to in this section, the Commission shall reserve for and allocate to such associations such radio broadcasting facilities as will reasonably make possible the operation of such stations on a self-sustaining basis, and to that end the licensee may sell such part of the allotted time as will make the station self-supporting.

Mr. WAGNER. Mr. President, the amendment is a very simple one. I believe that it is in accord with the sentiment of Congress and I am sure that it is in accord with the sentiment of the country. It simply provides that when the new communications commission reallocates time, power, and frequencies among the different stations 25 percent shall be allotted to cultural, educational, religious, agricultural, labor, cooperative, and similar non-profit-making organizations.

The PRESIDING OFFICER. Seventy-nine Senators have answered to their names. A quorum is present. The question is on agreeing to the amendment of the Senator from New York [Mr. WAGNER].

Mr. WAGNER. Mr. President, as I was about to state when I yielded for a quorum call, we must consider that the privilege to use the air is allotted to radio stations without any compensation being paid the Federal Government. Commercial stations enjoying the free use of the air have captured 98 percent of the broadcasting today, while non-profit-making stations, devoted to educational, religious, cultural, agricultural, and labor purposes have secured only 2 percent.

This amendment does not in any way interfere with the larger stations. They may continue to use all their time for purely profit-making purposes. But when they have these great privileges certainly we ought to insure that a part of radio time shall be used for the public purposes I have indicated. To me the proposition that at least 25 percent should be allocated to nonprofit ventures seems so fair that I cannot understand the opposition to it. I desire to emphasize that at present they get only 2 percent of the time while 98 percent is allotted by our Government, without charge or tax or regulation, to the large stations which have secured a practical monopoly of the air.

I do not need to go into the question of the power of radio stations to disseminate information and to influence opinion, because that is something which we all understand.

Unless there are questions to be asked, that is all I have to say about the amendment.

Mr. BORAH. Mr. President——

Mr. WAGNER. I yield to the Senator from Idaho.

Mr. BORAH. I am very much in sympathy with the objective which the Senator's amendment contemplates; but the amendment provides:

All existing radio broadcasting licenses issued by the Federal Radio Commission, and any and all rights of any nature contained therein, are declared null and void 90 days following the

effective date of this act, anything contained in this act to the contrary notwithstanding.

Is there nothing in these radio licenses in the way of a right that must be respected when we come to terminate them?

Mr. WAGNER. Not so far as I know, Mr. President. Let me indicate to the Senator the conditions upon which frequencies are now allotted. They are allotted for a period of 6 months, at the end of which time the Government can say to them, "Your license is at an end, and we are going to give the use of the air on this frequency to some other station."

Mr. BORAH. Yes; I understand that, and I think that is a wise thing to do; but prior to that time have the stations holding licenses no rights which the Government is bound to respect in any way when it comes to terminate them?

Mr. WAGNER. None, except that I suppose termination must be in accordance with public convenience and necessity. I know of no other rights which the stations acquire. Let me read to the Senator the condition of the application:

> Applicant waives any claim to the use of any particular frequency, or of the ether, as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests a station license in accordance with this application.

Mr. BORAH. It is true that the stations get no vested right; but during the time the license is in existence do they not enter into obligations with people for the use of the stations?

Mr. WAGNER. Yes; but they cannot make their obligations for longer than a period of 6 months, because that is the limit of their grant from the Government.

Mr. BORAH. If this provision were to the effect that upon the termination of the several contracts, and so forth, the time should be allotted differently, it would be perfectly clear to me that it was a proper thing to do. It seems rather extraordinary that Congress shall declare null and void contracts which have been let under authority of Congress.

Mr. WAGNER. The Senator does not mean the contracts between these commercial stations and individuals whom they serve. He has in mind, rather, the length of the license granted to the stations by the Government.

Mr. BORAH. Certainly.

Mr. WAGNER. As a matter of fact, no license extends beyond a period of 6 months; so, if the time prescribed in this amendment were lengthened to 6 months, perhaps that would take care of the situation.

Mr. BORAH. I think it would.

Mr. DILL. Mr. President, will the Senator yield?

Mr. WAGNER. Yes.

Mr. DILL. There is not any doubt at all in my mind that Congress does not have the power to cut off these licenses. The decision of the Supreme Court, written by Chief Justice Hughes last year, while it is broad and sweeping in its declarations that there were no rights beyond the date of the expiration of the license, was equally decisive, I think, that the Commission could not take away the license unless it could be shown that the station had violated the terms of the license, or had violated the law, and a hearing had been held and that license revoked. I think there is no question at all about that.

Mr. WAGNER. Does the Senator mean that the Government which gives a license to a station for a period of 6 months, cannot revoke it at the end of the 6 months?

Mr. DILL. Oh, no; but the Senator is saying "3 months."

Mr. WAGNER. Very well. I will consult the co-author of the amendment upon that proposition. If there is any fear that 90 days is too short a time, I am quite willing to make it extend to the expiration of the particular license in existence when the act takes effect. May I ask the co-author of the amendment his view in that respect?

Mr. HATFIELD. Mr. President, I think that adjustment should be made. I agree with the Senator.

Mr. WAGNER. Yes; I am quite willing to have that done, and I thank the Senator for the suggestion.

Mr. FESS. Mr. President, I do not like the kind of legislation that the amendment carries, and yet at the same time it seems to me that it is quite essential that something of this sort should be done.

Ever since the radio has been an agency of communication there has been complaint about the slight attention given to matters of an educational character, cultural, as well as religious. I very much dislike to write into the law any compulsion. It is rather antagonistic to my way of thinking of things; and yet I believe everyone must be impressed with the pollution of the air for commercial purposes until it is actually nauseating. The practice is to turn off the radio about as quickly as one gets to it, because so much of the matter broadcast is offensive. Whether or not the extent to which we are going here is justifiable is still a question in my mind.

The Senator from New York probably will recall that some time ago I offered an amendment to the Radio Act allocating not less than 15 percent of the time for educational purposes. I never could get any reaction in favor of it. As soon as it was offered, the stations began a propaganda against it; just why I do not know; and the same thing would be true here.

Whether or not this is the way to place a greater emphasis on the things that are really worth while than merely matters of trade and barter is still a matter of doubt in my mind. I like the suggestion that the Commission shall be authorized to make a study of the subject, but I rather feel inclined to vote for this amendment.

Mr. DILL and Mr. WAGNER addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Ohio yield; and if so, to whom?

Mr. FESS. I yield to the chairman of the committee.

Mr. DILL. Mr. President, I call the attention of the Senator to the fact that this amendment does not propose at all what the Senator proposed in the amendment to which he refers. He proposed that the time allotted should be used by educational stations, presumably for educational purposes; but subsection (g) of this amendment provides that the so-called "religious, educational, or agricultural nonprofit stations" are to sell time in the commercial field sufficient to pay for the maintenance of the stations.

I am informed by those who ought to know about the radio business that probably two thirds of the existing radio stations are notable to do more than pay for their own maintenance now. Thus, it is proposed by this amendment to grant 25 percent of the radio facilities to those who call themselves educational, religious, nonprofit stations, but who in reality are planning to enter the commercial field and sell a tremendous amount of their time for commercial purposes. That is not what the people of this country are asking for.

Mr. FESS. That is not quite what I had in mind.

Mr. DILL. That is not what the Senator from Ohio proposed; but this amendment is in effect a proposal to transfer the control of 25 percent of the radio facilities to organizations or individuals who say that they desire to broadcast for nonprofit purposes, but who are allowed to sell time to commercial purchasers; and if time is sold to a commercial purchaser, he is going to advertise. He is not going to pay for time unless he does advertise.

In my judgment, therefore, this amendment falls of its own weight.

Mr. COUZENS and Mr. CLARK addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Ohio yield; and if so, to whom?

Mr. FESS. I yield to the Senator from Michigan.

Mr. COUZENS. Mr. President, may I point out that section (g) of this amendment does not require any one of these stations to broadcast any religious or educational programs at all. After having once gotten a license under the provisions of this amendment, the whole time allotted to the station can be used for commercial purposes. That is permissible under the provisions of the last few lines on page 2 of the amendment.

Mr. FESS. I could hardly support a proposition of that kind.

Mr. WAGNER. Mr. President, of course, I deny that statement. There certainly is a difference. I think we must be candid about that—between being able to use for commercial purposes a sufficient time to have the station self-sustaining and making a profit out of it. There is a tremendous difference between the two things.

I am willing that the matter should be safeguarded in any other way, except that I think it is fair that the station should be permitted to do sufficient business to make it self-sustaining. We might put in the amendment, if desired, a stipulation that shall not include wages and salaries paid to anybody, because the people who are interested in this proposal represent the type of station which was in existence earlier in this whole adventure, people who used the air for educational and religious purposes, and who time after time since then—because I myself know something about one instance—made application to the Radio Commission for a little more time to use for such purposes. Instead of that, however, they were set aside, and the large commercial stations, as we know, practically secured a monopoly of the air, because apparently they were more persuasive than the small stations conducted by churches and religious institutions.

It is those institutions which I say we should help. If the Senator wants to safeguard the amendment in any other way, I am quite

willing to accept an amendment; but I have had some experience in this matter, and I know exactly what I am talking about.

Let us not be too solicitous for the large stations, commercial stations, which, through the favor of the Government, without giving to it a dollar in return, have secured practically a monopoly of the air. This is just an entering wedge to have the Congress declare that at least part of the time shall be used for other purposes. If there is any safeguard the Senator wants to provide, I am sure that my colleague, who is offering this amendment with me, and I will he glad to accept it.

Mr. CLARK. Mr. President, will the Senator from Ohio yield?

Mr. FESS. I yield.

Mr. CLARK. I am familiar with the instance to which the Senator from New York has referred, and in which I think an injustice was done hy the Federal Radio Commission to a very worthy radio station operated hy a religious order. But the Senator from New York has drawn an amendment, having in mind that one particular case, which would open the door and allow many stations, under the guise of religious and educational enterprises, to come in to compete with commercial companies. I happen to know something about that matter myself, as the Senator from New York says he knows about the case of the Paulist Fathers.

In Missouri there were several stations ostensihly organized for religious purposes or for educational purposes, hut which, as a matter of fact, were profit-making institutions. As the Senator from Washington said a moment ago, they were simply organized under the guise of religious or educational institutions for the purpose of competing with ordinary radio stations.

Mr. WAGNER. Mr. President, will the Senator from Ohio yield to me?

Mr. FESS. I yield.

Mr. WAGNER. The Radio Commission would have power to inquire whether a station represented a profit-making or a non-profit-making institution, and the former would be denied the privileges granted hy the amendment. I am quite willing to accept any language which any Senator might offer to insure that only non-profit-making organizations would he encompassed. I hold no brief against the commercial stations, hut I do not helieve they are entitled to 98 percent of the time. Under the amendment, they will still have 75 percent of it.

Mr. COPELAND. Mr. President, will the Senator from Ohio yield?

Mr. FESS. I yield.

Mr. COPELAND. I take it that this matter never would have reached the floor of the Senate if there had heen some elasticity and yielding on the part of the Radio Commission. I tried, and I have no doubt my colleague has tried, from what he said here today, to get the Commission to make certain concessions which, it seems to me, might have heen done; hut those concessions were not made. So this particular station has no other means of relief except to come here.

Mr. WAGNER. Mr. President, will my colleague permit me to say a word?

Mr. COPELAND. I yield.

Mr. WAGNER. I hope my colleague will not create the impression that this amendment is offered to help one particular station. I helieve thoroughly in the principle underlying the amendment. I am one of those puhlic officials who is tired of a few radio stations having a complete monopoly of the air, and using it purely for commercial purposes.

Mr. DILL. Mr. President——

Mr. FESS. I have yielded to the senior Senator from New York.

Mr. COPELAND. Mr. President, I venture to say that this matter would not have reached the floor of the Senate except for the need of the particular station at the moment, but, nevertheless, the need of that station has emphasized the need of other stations.

I can see no reason why we should not pass a general law which would make it possihle for these educational and religious radio stations to hroadcast the material they have to hroadcast. Why should they not he given the opportunity to sell a part of their time in order to pay the costs of the station? Of course, the commercial stations are making tremendous sums out of the sale of radio time, and, personally, I am glad of that; nevertheless, there is no reason why church hodies and educational institutions should not have the opportunity of taking some of the channels and making use of them for educational and religious purposes primarily, and, incidentally, selling some of the time in order that they may recoup the great expenses involved, because the cost of radio broadcasting is very high. Certainly, as I view it, the amendment offered by my colleague is a perfectly proper one, and should be adopted.

Mr. HATFIELD. Mr. President, will the Senator from Ohio yield?

Mr. FESS. I yield.

Mr. HATFIELD. I may say to the Senator from New York that the amendment is here, in my judgment, hecause of the support given it hy the National Education Association of America.

Mr. FESS. Mr. President, I must confess that no particular institution, outside of the educational movement, actuated me in introducing the amendment 4 years ago, and in pressing it, though not unduly, hecause I had the hope that the reform would ultimately he made without any legislation. Nothing that has heen said in reference to any particular interest has had any effect upon my mind. My only concern is that the air should not he polluted, as is permitted to he done, and when we know that it is the profit element that is back of that pollution and makes it possihle, it occurs to me that we ought to correct the situation, if that is injurious to the puhlic thinking of the country.

I should hesitate to have Congress do anything that would lead to prescrihing what could go over the radio and what could not go over the radio. I would not vote for anything of that sort; I would not want to censor the air; hut I do think that there ought to he some assurance that there should he some reform of the present situation, with which everyhody is now acquainted. For that reason I have heen more or less inclined to vote for some measure that will insure to the country some relief along the line that has heen urged so long hy the National Education Association. The amendment which I offered was to carry out the wishes of a great body of our people. As I said, I have not pressed it, hecause I had hoped that under pressure of puhlic opinion the correction would he made without any legislation.

Mr. DILL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Washington?

Mr. FESS. I yield to the chairman of the committee.

Mr. DILL. I wish to call the attention of the Senator in that connection to a resolution adopted hy the Committee on the Use of Radio as a Cultural Agency in a Democracy, which met here in Washington on May 7 and 8 under the auspices of the National Committee on Education hy Radio at the Interior Building. Among the various paragraphs they adopted in their resolution I call attention to one. I may say that this amendment was called to the attention of that body. I read:

IMPARTIAL STUDIES

> Thorough, adequate, and impartial studies should be made of the cultural implications of the broadcasting structure to the end that specific recommendations can he made for the control of that medium to conserve the greatest social-welfare values. These studies should also include an appraisal of the actual and potential cultural values of broadcasting; the effective means for the protection of the rights of children, of minority groups, of amateur radio activities, and of the sovereignty of individual States; the puhlic services rendered hy hroadcasting systems of other nations; international relationships in broadcasting.

In other words, they do not recommend the adoption of this amendment. They recommend, rather, a study. While they set out some things which are not in the provision of the hill as to studies, it is clear that they are not ready to recommend that 25 percent of the facilities be set aside for educational and religious institutions.

Let me call to the attention of the Senator why what they say is so. It costs a tremendous amount of money to build large radio stations. The religious and educational and cultural organizations do not have the money necessary, and they are trying to work out some system wherehy existing stations may he used, prohahly in addition to the 63 stations which already are in operation, of an educational and nonprofit nature, and still not he burdened with the great expense of huilding stations.

Mr. WAGNER. Mr. President, will the Senator from Ohio yield to me?

Mr. FESS. For a moment.

Mr. WAGNER. May I suggest that the Radio Commission has heen studying this question since its formation. And while all this study has heen going on application after application for educational purposes has heen denied, while the commercial radio stations have kept growing, growing, growing, growing until they have ohtained 98 percent of the total facilities. What is the good of this kind of study, and how much more of it do we need? It seems to me it is now time for a congressional declaration of policy.

Mr. FESS. Mr. President, the Senator from New York makes rather a strong statement, and it is very impressive. He states that during all the period when there was opportunity for study, we end up with a slight 2 percent of the use of the time for culture. That is a very strong statement, and it is persuasive on the minds of us all.

Since we are creating a specific commission which has to deal with this problem, along with others, and this one it seems to me is commanding, I still am concerned about whether it would not be better for the Congress to definitely instruct the proposed commission to report, on this particular subject, rather than for us to write the provision into statute law at this time. In fact, Mr. President, it was my thought that in reporting the bill we ought to confine the bill to the recommendations of the President. It was thought in the committee that we would have to go further than that. My thought was that if we confined the bill to the recommendations of the President, then the commission could go into all these subjects and make their recommendations as a commission to Congress for any needed legislation, in the same way as we look to the Interstate Commerce Commission for recommendations for such amendments to the transportation act as they deem wise.

I should have much preferred to have limited the legislation in such manner. I could have voted for it with much more freedom than I will vote for this provision, because it goes considerably further than I wanted to go.

My only purpose in rising is to state that I am disgusted, as I know a great portion of our people are disgusted, with the pollution of the air for mere commercial purposes. How to correct the situation is a problem. I should prefer to leave it to the study of a select group, which ought to be able to tell us the possibilities of correcting the situation, rather than to write it into the law at the present time, and yet I have an open mind on this subject.

Mr. HATFIELD. Mr. President, as a member of the Interstate Commerce Committee, I join with Senator WAGNER in the presentation of the amendment which directs the communication commission created by this bill to allocate and assign to educational, religious, labor, farm, fraternal, cooperative, and other institutions dedicated to human welfare and higher education, 25 percent of the radio facilities under control of the Government.

Mr. President, this amendment is offered with the hope that Members of the Senate interested in retaining private initiative in business, with a greater knowledge of the past than is indicated by those in control of commercial radio stations of today, will benefit by past experiences.

Education has been carried to a greater degree in our country than any country in the world. The aim and the object of almost every family is to secure a better education for the children than the parents themselves were permitted to secure. Untold sacrifices have been made by millions of parents of our country to provide a higher education for their offspring.

My State, as many others, provides a State university, at the expense of the taxpayer, for higher education for those who will give the time to secure it.

Despite, Mr. President, the $636,000,000 which the citizens of our country give toward education privately, despite the $2,822,000,000 spent by the National, State, and other political subdivisions of government, at the expense of the taxpayer, for education, we find that radio is today so commercialized that less than 2 1-5 percent of radio time is controlled by educational institutions.

The annual report of the Federal Commissioner of Education indicates that there are some 30,000,000 of our people attending day schools and colleges. These schools employ more than 1,300,000 teachers.

Yearly we spend some $3,000,000,000 on education, 88 percent of which is raised by taxation and the balance is contributed for the support of private schools and colleges in the form of tuition and donations.

Education is, or was, a State function, but is supported chiefly by local taxation. Education was a State function until our schools developed extension courses and radio became an interstate rather than a State or a local matter.

Education is defined in Webster's International Dictionary as—

> The process of developing mentally or morally; to cultivate, develop, or expand the mind; the impartation of or acquisition of knowledge, skill, or discipline of character.

The Federal Commissioner of Education states:

> Human education is a process of individual growth and development beginning with birth and ending only with death, requiring at the outset much effort on the part of others in discovering, nourishing, and directing inherent potentialities, but, at every stage, demanding increasing self-reliance and self-control.

The interest of the American people in education may be judged from the fact that the value of public-school properties in 1920 was less than $3,000,000,000, while in 1930 our schools carried a value of more than $6,000,000,000, or an increase in 10 years of more than 100 percent. These figures do not include colleges or schools for higher education.

The question has been raised as to who is interested in promoting the adoption of the amendment offered by Senator WAGNER and myself. The answer could well be that every parent, every one of our 1,300,000 teachers, every one of the 30,000,000 attending our schools and colleges seeking an education is interested. And, we might well add, every thoughtful American who realizes that an educated people is an asset of more value than either wealth or physical power.

Indeed, Mr. President, the boys and girls of today are the greatest assets that the American people possess for America.

Naturally, were it possible for all of these many millions to make their demands heard, there would be but little, if any hesitancy in the speedy adoption of the amendment which has been presented.

The educational, religious, labor, and other groups, however, realizing how this wonderful instrument for education—radio—has been monopolized for private profit, have organized, and they have unanimously demanded legislation whereby the Radio Commission will be directed to assign a fair portion of the radio facilities to educational and other non-profit-making bodies be enacted by the Congress.

The National Education Association, the National Association of State Universities, the National University Extension Association, the National Association of Parents and Teachers, the National Association of Land Grant Colleges and Universities, among others, have petitioned for this legislation through which the radio can be made available for the purpose of spreading education and culture among our millions of radio listeners.

The Reverend John B. Harney, superior general of the Paulist Fathers, appeared before the Interstate Commerce Committee and made a valiant plea for radio facilities to be assigned to educational institutions and other human-welfare, non-profit-making groups.

The National Committee on Education by Radio, sets forth the following:

> That colleges and universities, with radio broadcasting stations, have in their possession one of the most powerful and effective tools for popular education which exists at the present time.
>
> That the broadcasting activities of educational institutions should be looked upon as major educational enterprises within these institutions, comparable in service and importance with other major departments.
>
> That the officers of these institutions, their boards of control, and legislative bodies to which they look for appropriations should regard their services to individual students and the general public rendered by means of radio as an important and appropriate extension and supplement to similar services rendered within the classrooms of the institution.

That such services have a valid claim to public support and justify expenditure for equipment and personnel.

That the use of radio broadcasting as a constructive educational procedure is in its infancy, and, Mr. President, education by radio will remain in its infancy unless the Congress of the United States takes a hand and apportions a part of the vast radio opportunity, supposedly controlled by the Government, which can be sent broadcast throughout the country.

> That the radio channels which are now in the possession of institutions are immensely valuable; that they should be retained and their use further developed, looking toward the growth of adult education which is now taking place throughout the country.
>
> That this development of programs of adult education by radio stations associated with educational institutions will help to offset the present tendency toward centralization and network monopoly.
>
> The National Committee on Education by Radio looks upon the service of radio stations associated with educational institutions as a service of the whole people. Such service is one of the highest uses to which this national resource can be put. Because such service concerns the entire body of citizens, it should be given first place when the question of assigning radio channels is before legislative bodies, the Federal Radio Commission, or the courts.

I have been reading from the report on Education by Radio, volume 2, nos. 1-27, inclusive, January 7-December 8, 1932, National Committee on Education by Radio.

Mr. President, it may be contended that commercial radio stations present educational programs or offer their facilities to educational institutions and other bodies for the presentation of such programs. The graciousness of these commercial stations may well be gaged by the time allotted such organizations as the American Farm Bureau Federation, the National Grange, the 4-H Clubs, and several other farm groups who collectively receive 1 hour each Saturday noon from the National Broadcasting Co. or the American School of the Air, promoted by the Columbia Broadcasting System, on weekdays about noon. A recent survey reveals that of the time assigned by commercial stations to educational or cultural programs, 80 percent is known as "sustaining time," when these stations would be presenting some programs at their own cost because of the inability to sell this time for advertising programs. Such is the attitude of those who are in control of the radio stations of this country toward those who are interested in educational movements by use of the air.

Educational institutions possessing radio stations are assigned mainly daytime operation, when it is common knowledge that the great mass of our people listen in after 6 o'clock at night.

The United States possesses 444 radio quota units, and the Federal Radio Commission has graciously assigned 9.61 units to educational institutions, or less than 2.2 percent of the radio facilities at their disposal.

As an example of how the Federal Radio Commission has treated our educational institutions that wish to operate radio stations, I might add that one of the pioneer educational institutions found itself on a channel with 51 stations broadcasting advertising and amusements.

The Senator from Washington [Mr. DILL], one of the radio experts of the Congress, is quoted in Education by Radio, issue of February 4, 1932, on his return from Europe, in part as follows:

> American radio is weakest on the educational side. Education over the radio should be free from commercial interests. It should be independent and free, just as our systems of public education are free and independent.

Mr. President, when, may I ask, are we going to have freedom for the educational institutions of America in the use of the radio, unless the Congress of the United States shall undertake at this time to direct the commission which is soon to be in control of radio to do something that will give educational opportunities to the boys and girls who are now suffering from the lack of such opportunities.

Representative E. L. Davis, at the time Chairman of the House Committee on Merchant Marine, Radio, and Fisheries, is quoted in the CONGRESSIONAL RECORD of February 10, 1932, as stating:

> All the broadcasting stations in America combined only have $28,000,000 invested in their stations and all of their equipment and apparatus, whereas the great listening public of America has $100,000,000 invested in receiving sets.

Mr. President, if this amendment should be rejected, it would simply mean that the educational institutions of our country, and, those who seek programs of a cultural type, will be forced to support government ownership and control of all radio facilities which will be their only means of providing the people of this country with the type of programs which the average man or woman will welcome into his or her home.

I think, Mr. President, that those who control the radio industry, if we may call it such, are short-sighted. I think they ought to be willing to concede to the educational institutions of America an opportunity to go upon the air and at seasonable hours which will give those who wish to listen in an opportunity to hear what some of our great educators have to say.

Mr. President, we are the only important country in the world that places control of radio facilities in the hands of those who seek private profit. Canada and England, as well as most other countries, own and control their radio facilities, and, unless this amendment, or some legislation of similar type shall soon be enacted into law, the Congress of the United States will find it essential and necessary to possess and to operate all radio facilities for the benefit of the people as a whole. The retort of those who now operate commercial radio stations to this suggestion may be that we would be placing a tremendous power politically in the administration which happens to be in power. I admit that such may be true, but I do not know of any administration which might be in power which would have a greater control over the radio facilities of this country than is possessed at the present time by an administration which is not held responsible for its own acts.

What I stand for is the placing of responsibility in the administration of radio facilities and fixing that responsibility so that those who represent our educational system may know where to go in order to get what they are entitled to in the way of recognition on the air.

Mr. President, I have no criticism to make of the personnel of the Radio Commission, except that their refusal literally to carry out the law of the land warrants the Congress of the United States writing into legislation the desire of Congress that educational institutions be given a specified portion of the radio facilities of our country.

As was pointed out so ably by my colleague from New York [Mr. WAGNER], the Radio Act and the amendments thereto specifically provide that the holder of a broadcasting franchise shall obtain no property or vested right in the air. Yet the rules of the Radio Commission are such that those who possess clear channel stations under the rules of the Radio Commission are vested with the right to prevent the Radio Commission itself from placing any other broadcasting station, no matter how many hundreds or thousands of miles apart any of these clear channel stations may be, on the same wave length. This is a clear violation of the letter and the intent of the Radio Act and the amendments thereto.

When the radio trusts sought to deprive the Chicago Federation of Labor, which operate Station WCFL, about a year and a half ago, of the right to operate after 6 p. m. days, I had no hesitancy in introducing a bill in this body compelling the Radio Commission to respect the rights of the representatives of the American Federation of Labor and the Chicago labor organization. Before the committee was through hearing the evidence which was presented by the representatives of the American Federation of Labor and the Chicago labor organization a concession was made, and WCFL, the broadcasting station which had been erected by that organization at an expense to the labor group of some four hundred or five hundred thousand dollars, was allowed to broadcast and is now being operated and enjoyed by the American Federation of Labor and the Chicago labor movement.

This amendment, presented jointly by Senator WAGNER and myself, is not at all cumbersome, as it simply directs the new Communications Commission to allocate 25 percent of the radio facilities to stations devoted to education and human welfare. As my colleague, in offering this amendment, pointed out a while ago, if there is any thought upon the part of anyone in this body that these groups may undertake to over commercialize their stations we will agree to an amendment which will safeguard for all time what this amendment proposes, which is that this 25-percent allocation shall be made for the sole purpose of providing educational facilities and permitting the radio stations to be self-sustaining only.

This is not class legislation as no one class of our people will secure any gain by this legislation. The gain will be that of all our people, as I believe all of our people are interested in education and human welfare.

Mr. President, during the past 3 years education has suffered more acutely as a result of the depression than has any other department or activity of our Government. Many thousands of our schools have been closed and many hundreds of our colleges have been forced to continue on greatly curtailed appropriations. In many sections of my own State teachers went for months, almost for a period of a year, without any compensation for the services rendered by them in instructing the boys and girls of different communities.

Time after time have representatives from outstanding institutions come to Washington and insisted that those who had the authority to negotiate loans should grant them a loan, but so far as I know, up to the present time, no relief has been granted to any such institution.

Radio broadcasting reaches many millions of our people daily. The educators and others in our country who are seeking to build a higher standard for all Americans are denied opportunities which they should have. To my mind, these worthy organizations should be accorded the facility which they can so effectively use for the common good, and, I sincerely trust that the Senate will insist on the adoption of the pending amendment which is beneficial to so many and which is harmful but to few. And I might add that unless legislation of this type is soon enacted the few who might be injured by the amendment may find themselves bereft of the business they are now engaged in as the Congress will find it essential and necessary to take over all radio facilities and operate them for the common good.

Mr. COPELAND. Mr. President, as the Senate well knows, for the past year I have been acting as chairman of a special

committee on the investigation of crime. If one thing has been brought home to me more than any other, it is the problem of juvenile delinquency. There can be no question, I believe, that every effort in the direction of the prevention of juvenile delinquency is in the interest of good government, good citizenship, and the progress of the Nation.

I have been distressed at the failure of certain branches of the moving-picture industry, and I do not say this in general, because when we regard the moving-picture industry by and large, we must conclude, I am sure, that it has done well in its self-censorship. But in some quarters there is a lamentable failure to appreciate the high place the moving pictures might hold in American life.

So, too, I have been impressed with the importance of the various agencies like the Boy Scouts, the Girl Scouts, and other similar organizations which have to do with the improvement of the life of American youth. As I view the problem we must find ways, too, to make more effective and direct the religious training of our children. Here it is, in my opinion, that the radio can do a much larger part than it has done in the past. I would not wish to disturb the radio industry as it is now organized. But if there is such failure as has been indicated here, to make use of the educational and religious instruction which might be given through this agency, certainly it is time the Senate gave consideration to the subject.

I cannot see why the amendment offered by my colleague the junior Senator from New York [Mr. WAGNER] and the Senator from West Virginia [Mr. HATFIELD] may not be appropriate for adoption by the Senate. I think it would be wise for us to adopt it. If there had been greater readiness on the part of the Radio Commission to deal with the problem it would not have reached us.

The Radio Commission have done a fine job. They have done a splendid work. My sympathies are with them. But there are certain activities which somehow or other have not been taken care of by that body, and this is one of them. If there is no other or better way to deal with it than by the adoption of the amendment, I think the matter should be given this consideration. This appears necessary in order that there may be such use of the radio as to impress upon the American public those ideas in education and religion which are so important to the building of character and to the development of good behavior.

Mr. DILL. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Washington?

Mr. COPELAND. I yield.

Mr. DILL. I wish to call the Senator's attention to the fact that from the organization of the Radio Commission down to January 1, 1932, only 81 applications were presented to the Commission for educational stations. Of this number 32 were granted in full, 27 in part, 10 were denied, and 10 dismissed at the request of the applicants. Thus there were only 71 who would have taken a license if they could have gotten it. Has the Senator stopped to consider the fact that it is financially impossible for these institutions actually to build and operate these stations without becoming commercial and advertising stations?

Mr. COPELAND. Yes; I may say I realize that to be a fact. To operate a radio station costs a lot of money. But if we find a religious or educational body willing to take the chance of disposing of certain commercial time in order that the main objective may be reached, which is the dissemination of religion or education, I think certainly we should give consideration to their willingness to do so.

Mr. DILL. Does not the Senator think a much more practical result might be obtained by working out some system of requiring stations to permit a certain part of their time to be used for these purposes and requiring that in the licenses of existing stations?

Mr. COPELAND. No; I do not think so.

Mr. DILL. That is the only way the religious and educational broadcasts can ever be gotten out to the people generally, because they are the only stations which can get those broadcasts out in that way.

Mr. COPELAND. There is no question that the existing stations have done a great work along the line suggested by the Senator from Washington. For example, in disseminating the sermons which are broadcast every Sunday, there is no doubt that very great good has been done and much happiness brought to the American people. But there are institutions which have definite programs of character building and definite programs in educational development or progress where it is not possible for the casual use of a station now and again to accomplish what the originators of the various programs have in mind. Therefore I believe that where there are educational and religious bodies willing to assume the responsibility of carrying on the work we might well give consideration to permitting them to have the radio channels in order that they may do the work in question.

Mr. DILL. Mr. President, I shall not detain the Senate at any great length, but in light of the statements which have been made by the proponents of the amendment I feel that I should make some explanation of the reason why this amendment was rejected.

The amendment was presented by Father Harney, of the Paulist Fathers, representing station WLWL in New York. Full hearings were had, and the committee considered it carefully and rejected the amendment by an overwhelming vote, but adopted instead a provision in the bill requiring the Commission to make a study of the question of educational broadcasting, and to submit recommendations to Congress.

It might be concluded from the arguments made here by those who propose this amendment that the committee and I are not anxious for educational and religious broadcasts. I think the record of my activities in radio will show that I have always been one of the most insistent among those who wanted to see a larger use of radio for educational, religious, and fraternal purposes and for nonprofit purposes generally. I am extremely anxious now that some plan may be worked out for a larger use of radio for educational and religious purposes; but the amendment presented by the Senators from New York and West Virginia does not suggest the proper method, in my judgment, to bring about such a result.

In the first place, the amendment proposes to wipe out all existing allocations. It did propose to allow 3 months, which now has been changed, I understand, to 6 months, because it would be impossible under the law to wipe out the licenses before they had expired except for violation of the law.

In the second place, it compels a reallocation by the new commission of all the stations in the United States within a period, as the amendment has been changed, of 6 months. I think that is impracticable. I do not believe the new commission will be able to reallocate all the stations in that short period of time.

The third and strongest objection which I have is that these stations are not to be what we understand as educational and religious stations merely, but they are to be stations that are to sell time on the air to advertisers who will make use of the stations for advertising purposes. Thus we are simply changing the ownership of these stations from the present commercial owners to owners who call themselves nonprofit organizations.

The records show that a large percentage of stations are not making any money as it is. It is safe to say that even if these nonprofit organizations could borrow money—and I do not know where they could borrow it, but if they could borrow money with which to build these stations and maintain them, it would require the sale of between 60 and 75 percent of their valuable time to maintain the stations and pay back the money which it would cost to build the new stations.

I remind the Senate that it costs a large sum of money to build a high-power radio station and to employ the engineers that may be necessary, and so to handle the station that its broadcasts may be heard throughout the country.

Mr. LOGAN. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. THOMAS of Utah in the chair). Does the Senator from Washington yield to the Senator from Kentucky?

Mr. DILL. I yield.

Mr. LOGAN. The Senator says it requires a large sum of money to build and operate a radio station. For my own satisfaction, I should like to know approximately what one of these large radio stations costs?

Mr. DILL. Anywhere from one hundred to two hundred thousand dollars.

Mr. LOGAN. So an educational or religious or nonprofit association would have to provide some such sum as that in order to establish a station?

Mr. DILL. They would have to, if they established a high-powered station. I am told that it costs practically as much each year to operate and maintain a station as it does to build it in the first place.

This is not a new subject. I myself, with the Senator from Michigan, in 1931 induced the Senate to pass a resolution to investigate the question, particularly of educational stations. A series of questions was propounded to the Radio Commission. I have here the answers to some of those questions, and I particularly call attention to the reply to the question—

> What applications by public educational institutions for increased power and more effective frequencies have been granted since the Commission's organization? What refused?

Answer. In the period—

Since the organization of the Commission—

from February 23, 1927, to January 1, 1932, the Commission considered 81 applications from educational institutions for additional and more effective radio facilities, 52 of which were from public educational institutions and 29 from private educational institutions.

* * * Thirty-two of these applications were granted in full; 27 were granted in part; 10 were denied; * * * 10 were dismissed at the request of the applicant.

So, out of 71, all but 10 were granted either in full or in part.

There are today some 63 stations operated in the United States by educational, agricultural, religious, or nonprofit organizations, hut none of them exceeds 5,000 watts. There is one 5,000-watt station, and I think there are one or two 1,500-watt stations and one or two 1,000-watt stations, hut the large percentage of them are small stations. They are used only for a few hours a day and some of them for only a few hours a week.

It is the conviction on the part of those who have made a study of this subject that this question must he solved in some other way. I am not prepared to say what is the hest method. I may say, however, that the owners of large radio stations now operating have suggested to me that it might be well to provide in the license grant that a certain percentage of the time of a radio station shall be allotted to religious, educational, or nonprofit users hy their paying the actual cost of operation for the hours which they actually use such station.

Mr. LOGAN. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Washington yield further to the Senator from Kentucky?

Mr. DILL. I yield.

Mr. LOGAN. I should like to ask the Senator who is going to determine how much of the total time allotted shall he allocated to lahor, how much to education, and how much to religion?

Mr. DILL. I was coming to that very point in just a moment and I will answer it now. If we should provide that 25 percent of time shall be allocated to nonprofit organizations, someone would have to determine—Congress or somehody else—how much of the 25 percent should go to education, how much of it to religion, and how much of it to agriculture, how much of it to lahor, how much of it to fraternal organizations, and so forth. When we enter this field we must determine how much to give to the Catholics prohahly and how much to the Protestants and how much to the Jews.

Mr. LOGAN. And to the Hindus.

Mr. DILL. Yes; and prohahly the infidels would want some time.

Mr. LOGAN. Yes; there is a national association of atheists. They perhaps would want their part of the time.

Dr. DILL. Yes; and when we go into the field of the educational institutions, it must he determined how much time shall he given to State institutions, how much to private institutions, how much to land-grant colleges, and so forth. So we find ourselves right hack in the same maze of difficulties in which we now are. We must go to the Commission to suhdivide the time; so that the difficulty today is not in the law; the difficulty probahly is in the failure of the present Commission to take steps that it ought to take to see to it that a larger use is made of radio facilities for education and religious purposes. However, it should he said in defense of the Commission that religious and educational institutions do not have the money with which to huild and maintain radio stations. The Senator from North Dakota [Mr. FRAZIER] said to me a few moments ago that the educational radio station in his State has heen compelled to close, not hecause the commission took away its time or restricted it, hut hecause it did not have the money with which to operate. I myself have long helieved that we ought to charge fees from commercial stations for the use of these frequencies and that such fees might well he put into a fund and used to estahlish a Government educational station. I hope something of that kind may he done, hut just in what direction we should go, or how we should solve the prohlem, I am unahle to say. I feel certain, however, that it would he a mistake for Congress hy statute to fix absolutely 25 percent, 20 percent, 15 percent, 10 percent, or any other fixed percentage; hut rather this discussion and this provision should cause the new commission to realize the importance of some serious, careful study of this question with a view to suhmitting recommendations to the Congress as to what, if anything, should he done hy Congress.

Mr. OVERTON. Mr. President——

Mr. DILL. I yield to the Senator from Louisiana.

Mr. OVERTON. What is considered to he educational? Has that term any well-defined meaning? Is music educational; is song educational; is the drama educational?

Mr. DILL. Undouhtedly there is an element of education in all of them. I want to say in that connection, in answer to the Senator from New York, who said that only 2 percent of our radio time is used for educational and religious purposes, that he was speaking of the 63 stations which I have mentioned and not of the 550 or 600 other stations that continually put on educational and religious programs. I dare say that many of the speeches of the Senator from New York, as well as those of other Senators, would he considered partly educational, at least. They are put out hy the large radio chains which furnish the American people the great radio programs.

I recognize the ohjection on the part of educational organizations to accepting free time from a commercial station. That ohjection is that they feel themselves handicapped; they feel themselves limited in the freedom they would like to have to present educational suhjects hecause they may he offensive to the station from which they receive time. I recognize that as an ohjection, and hecause of that I think some plan should he worked out which would enahle them to make some payment and have the free right to the use of the air; hut I cannot helieve, with the present financial status of the educational and religious organizations of this country, that there is any hope of their using 25 percent of our radio facilities effectively, even if we gave them the right under this hill. They have not the money and there is nowhere they can secure money except they go into the commercial field and themselves hecome commercial stations.

Mr. WAGNER. Mr. President——

Mr. DILL. I yield to the Senator from New York.

Mr. WAGNER. I should like to ask the Senator whether the Commission, in granting licenses to any of the larger purely commercial stations, ever made it a condition for granting the license that any part of the time he used for religious, cultural, or educational purposes?

Mr. DILL. I think not; and I suggest that that is one of the possihilities that might he worked out.

Mr. WAGNER. They have had a long time in which to think ahout it.

Mr. DILL. I am not defending the Radio Commission; Heaven knows, I do not hold any hrief for the present Radio Commission; I am glad it is going to he aholished and that new policies will he estahlished hy the Radio Commission.

Mr. BORAH. Mr. President——

Mr. DILL. I yield to the Senator from Idaho.

Mr. BORAH. I understood the Senator to state some time ago that his construction of this amendment was to the effect that those taking the allocation for religious, agricultural, and education and lahor, and so forth, could turn the station into a commercial one.

Mr. DILL. The amendment specifically so provides, as the Senator will see if he will read suhsection (g).

Mr. BORAH. I have read it.

Mr. DILL. Beginning in line 16, it reads:

> The facilities reserved for, or allocated to, educational, religious, agricultural, labor, cooperative, and similar non-profit-making associations shall be equally as desirahle as those assigned to profit-making persons, firms, or corporations. In the distrihution of radio facilities to the associations referred to in this section, the Commission shall reserve for and allocate to such associations such radio broadcasting facilities as will reasonahly make possihle the operation of such stations on a self-sustaining hasis.

The only way they could he "self-sustaining" would be hy selling time; the only people to whom they could sell time would he advertisers, and the only use advertisers could make of the time would he to advertise their products on the air, just as they now do.

Mr. BORAH. The Senator then construes "self-sustaining" to mean that they must necessarily become "self-sustaining" from the commercial field?

Mr. DILL. I do not see any other method. Why would they sell time if they were self-sustaining?

Mr. BORAH. There would not he a sufficient demand from the religious, educational, and other uses to utilize all the time.

Mr. DILL. I will read the remainder of the suhsection (g)—

> And to that end the licensee may sell such part of the allotted time as will make the station self-supporting."

Mr. BORAH. Is that the construction of the Senator from New York?

Mr. WAGNER. I do say that organizations which exist for the purpose of making a profit are distinctly excluded from the use of this time.

Mr. DILL. But they do not make a profit until they make enough to more than pay for the cost of the station and the maintenance of the station. There would be no profit until they have paid those expenses.

Mr. HATFIELD. The Senator is now proposing an amendment, is he not?

Mr. WAGNER. I am quite willing to add, so there may he no question about it, "educational, religious, agricultural, labor, and cooperative associations which are not organized for profit and which do not directly or indirectly provide a source of profit for their members or employees or anyone else." That is as all-embracing as I can make it.

Mr. DILL. But the Senator proposes to leave the right to sell time and make the station self-supporting.

Mr. WAGNER. That is quite a different thing from profit. Such patronage may come, and undouhtedly will come, from the very educational institutions which will ask for time on these stations.

Mr. DILL. If the Senator is going to limit it to selling time to educational and religious organizations who will huy it, that is a different proposition. I do not know of more than one or two religious organizations which huy time. They are all given the time free.

Mr. WAGNER. They have their own stations.

Mr. DILL. A few of them have, hut they have not the money with which to huy time. I feel that it would be ahsolutely impracticahle, if we do not allot the time to commercial stations, to hope for them to raise any money.

Mr. BONE. Mr. President, will my colleague yield?

The PRESIDING OFFICER. Does the Senator from Washington yield to his colleague?

Mr. DILL. I yield.

Mr. BONE. As I read the proposed amendment, it would require the Radio Commission arhitrarily to destroy, or what would amount to destroying, 25 percent of the radio facilities now existing in any community where anyone else sought to take advantage of the facilities. They simply would he permitted to use the wave length or the power in watts of existing stations. Is that correct?

Mr. DILL. At the end of the license period they would have a right to allocate to new stations, hut they have that right under existing law.

Mr. BONE. I understand; hut it is a right which, I assume, has not heen exercised.

Mr. DILL. Yes; it has heen exercised.

Mr. BONE. I am trying to get some light on the matter. Suppose in the State of Washington the Radio Commission should decree that out of 100,000 watts of power now employed by radio stations there should be a reduction to 75,000 watts. That would mean, if I understand the amendment aright, that stations now operating with 25,000 watts of power would be summarily cut off and, of course, that value would he destroyed.

Mr. DILL. The Commission would decide whether it would reduce all stations or certain stations, or would delete and take out of operation certain stations. There is no limit as to the method. Under the law, of course, the public interests would have to he considered in that connection.

Mr. President, I do not want to take the time of the Senate any further. I hope the amendment will he defeated. I helieve it would be an extremely had policy for Congress to begin the allocation of wave lengths. I believe we will do more for educational and religious progress hy having the new commission study the matter and let it come hack to Congress with some practical plan that will make use of existing facilities, rather than attempt to grant an arhitrary 25 percent and then allow those stations to he turned into commercial stations.

Mr. WAGNER. Mr. President, I should like to perfect my amendment in this manner: On page 2, line 5, strike out the words "90 days" and substitute therefor "6 months", and in line 8, strike out "90 days" and insert in lieu thereof "6 months."

The PRESIDING OFFICER. The Senator has the right to modify his amendment.

Mr. WHITE. Mr. President, the pendency of the amendment and the discussion to which we have listened confirm me in the view I have always had as to the unwisdom of offering this legislation in its entirety at this time. I have felt strongly that the wise thing for us to have done would have been to follow the recommendation of the President, as I understood it to he, to enact legislation creating a new commission, to transfer to that commission the present authorities of law, and to enjoin upon the commission the ohligation to study the problem of communications during the summer and fall, and to report to the Congress of the United States, when we convene in January next, its recommendations as to comprehensive communications legislation.

I helieved when the legislation was first suggested, and I helieve now that that is the sound course for Congress to pursue. A majority of the committee were decidedly of the contrary opinion, and I howed to the judgment of the majority.

One of the particular things to which it seems to me the commission might have given its attention during the summer is the study of the precise problem presented by the pending amendment. The amendment in its substance basically is not new, for even back in 1927, when the present radio law was written, there was pending before the committees of Congress and before the Congress itself and before the conferees the question of giving legislative preference or legislative priority to some particular user of radio communication.

I recall very well when the bill passed the Senate in 1927 there was embodied in it a provision that land-grant colleges should have a preference or priority in the use of frequencies. That provision was dropped in conference. It was dropped because depending upon that provision was a string of applications for special recognition in the law. At that time, when it was heing urged that special recognition should be given to land-grant colleges, there were religious organizations or institutions asking that they be given the same legialstive preference which was proposed to he given to the land-grant colleges. There were all sorts of groups and organizations throughout the United States asking that if we gave statutory preference to land-grant colleges, we should accord similar recognition to them.

At that time it was the judgment of the Congress that we had to adopt one of two courses. We either had to strike from the legislation special consideration for land-grant colleges and grant to the regulatory hody full power and authority with respect to the granting of licenses, or the Congress faced the obligation of making a complete allocation to services.

I object to the pending amendment for the considerations suggested hy the Senator from Washington [Mr. DILL]. I object also more strongly because it seems to me it flies in the face of a sound principle. We must, as I said, do one of two things. We must here in the Congress make a complete allocation of the radio spectrum to services, or we must leave it entirely alone. I have long heen a believer, and I helieve now, that commercial activities occupy too much of the time and use too many of the radio facilities of the country.

I recall very definitely I urged, in legislation which I introduced in the House a number of years ago, that we should give to the regulatory hody the power, and we should lay upon them the express duty of establishing priorities in the character of service. That is precisely what the pending proposal is, hut it only takes one step in that direction. It proposes that we shall take only 25 percent of the radio facilities, and that we shall give them to a somewhat indefinite group, religious, educational, non-profit-making organizations. They are indefinite almost in numher. How many of them there are I do not know. As a practical result, we have all of these non-profit-making organizations contending among themselves not for a place in the entire radio spectrum but for a part of only 25 percent of the radio spectrum. If that shall he granted the controversy will be intensified, and the situation will not he cured at all.

Manifestly, we should either go ahead as a Congress and divide up the entire spectrum among persons and organizations for uses here in the United States or we should leave it alone in its entirety and place the responsibility of allocation where it already is—upon the Federal Radio Commission.

It seems to me that if this amendment should he adopted it would go through the entire radio structure of the United States like a tornado, leaving destruction and chaos in its wake.

I join with the Senator from Washington [Mr. DILL] in expressing the earnest hope that the amendment may not have the approval of this body.

The PRESIDING OFFICER. The question is on the amendment offered hy the Senator from New York [Mr. WAGNER] and the Senator from West Virginia [Mr. HATFIELD].

Mr. WAGNER. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. WAGNER. I suggest the ahsence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Copeland	Johnson	Pope
Ashurst	Couzens	Keyes	Robinson, Ark.
Austin	Cutting	King	Schall
Bachman	Dill	La Follette	Shipstead
Bailey	Duffy	Lewis	Smith
Bankhead	Erickson	Logan	Steiwer
Barkley	Fess	Lonergan	Stephens
Black	Fletcher	McCarran	Thomas, Utah
Bone	Frazier	McGill	Thompson
Borah	George	McKellar	Townsend
Brown	Gibson	McNary	Tydings
Bulkley	Goldsborough	Metcalf	Vandenberg
Bulow	Hale	Murphy	Van Nuys
Byrd	Harrison	Norris	Wagner
Byrnes	Hastings	Nye	Walcott
Capper	Hatch	O'Mahoney	Walsh
Clark	Hatfield	Overton	Wheeler
Connally	Hebert	Patterson	White

Mr. LEWIS. I announce the absentees as announced by me upon the previous roll call.

The PRESIDING OFFICER. Seventy-two Senators have answered to their names. A quorum is present.

The question is on the amendment offered by the Senator from New York [Mr. WAGNER] and the Senator from West Virginia [Mr. HATFIELD]. On that question the yeas and nays have been demanded and ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BULKLEY (when his name was called). I have a general pair with the senior Senator from Wyoming [Mr. CAREY], who is absent from the city on official business. He has advised me that if present he would vote as I intend to vote. Therefore I am at liberty to vote, and vote "nay."

Mr. McNARY (when his name was called). On this question I have a pair with the junior Senator from Oklahoma [Mr. GORE]. Not knowing how he would vote, I withhold my vote. If at liberty to vote, I should vote "nay."

Mr. STEPHENS (when his name was called). I have a general pair with the Senator from Indiana [Mr. ROBINSON], who is absent. I therefore withhold my vote.

Mr. VANDENBERG (when his name was called). On this question I have a pair with the senior Senator from Nevada [Mr. PITTMAN]. Not knowing how he would vote, I withhold my vote.

Mr. WALCOTT (when his name was called). I have a general pair with the Senator from California [Mr. McADOO], who is detained from the Senate by sickness. Not knowing how he would vote, I withhold my vote. If at liberty to vote, I should vote "nay."

Mr. BONE. I wish to announce the unavoidable absence of the Senator from West Virginia [Mr. NEELY].

The roll call was concluded.

Mr. LOGAN. I have a pair with the junior Senator from Pennsylvania [Mr. DAVIS], who is absent. I transfer that pair to the junior Senator from North Carolina [Mr. REYNOLDS], and will vote. I vote "nay."

Mr. ROBINSON of Arkansas. I transfer my general pair with the Senator from Pennsylvania [Mr. REED] to the Senator from Illinois [Mr. DIETERICH], and will vote. I vote "nay."

Mr. FESS (after having voted in the negative). I have a general pair with the senior Senator from Virginia [Mr. GLASS], who is detained from the Senate; but I am advised that if he were present he would vote as I have already voted. Therefore I shall permit my vote to stand.

Mr. BARKLEY (after having voted in the negative). I have a general pair with the senior Senator from Iowa [Mr. DICKINSON], who is absent. I transfer that pair to the junior Senator from Georgia [Mr. RUSSELL], and will allow my vote to stand.

Mr. LEWIS. I announce the absence of my colleague [Mr. DIETERICH], and desire to state that were he present and voting he would vote "yea" on this question.

I beg to announce the absence of Senators as previously announced by me on previous roll calls.

I announce the following special pairs on this question:

The Senator from Arkansas [Mrs. CARAWAY] with the Senator from New Jersey [Mr. BARBOUR];

The Senator from Texas [Mr. SHEPPARD] with the Senator from New Jersey [Mr. KEAN]; and

The Senator from Texas [Mr. CONNALLY] with the Senator from South Dakota [Mr. NORBECK].

I am not advised how these Senators would vote if present.

I also announce a special pair on this question between the Senator from Massachusetts [Mr. COOLIDGE] and the Senator from South Carolina [Mr. BYRNES]. If present the Senator from Massachusetts would vote "yea" on this question, and the Senator from South Carolina would vote "nay."

I also announce that the Senator from South Carolina [Mr. BYRNES], the Senator from Texas [Mr. CONNALLY], the Senator from Colorado [Mr. COSTIGAN], the Senator from Virginia [Mr. GLASS], the Senator from Oklahoma [Mr. THOMAS], and the Senator from Arizona [Mr. HAYDEN] are detained from the Senate on official business.

Mr. HEBERT. I wish to announce that the Senator from New Jersey [Mr. BARBOUR], the Senator from Wyoming [Mr. CAREY], the Senator from South Dakota [Mr. NORBECK], the Senator from Pennsylvania [Mr. DAVIS], the Senator from Iowa [Mr. DICKINSON], the Senator from New Jersey [Mr. KEAN], the Senator from Pennsylvania [Mr. REED], and the Senator from Indiana [Mr. ROBINSON] are necessarily detained from the Senate.

The result was announced—yeas 23, nays 42, as follows:

YEAS—23

Ashurst	Frazier	McCarran	Shipstead
Borah	Hatfield	Metcalf	Townsend
Copeland	Hebert	Norris	Wagner
Cutting	La Follette	Nye	Walsh
Duffy	Lewis	Patterson	Wheeler
Erickson	Lonergan	Schall	

NAYS—42

Adams	Byrd	Hastings	Pope
Austin	Clark	Hatch	Robinson, Ark.
Bachman	Couzens	Johnson	Smith
Bailey	Dill	Keyes	Steiwer
Bankhead	Fess	King	Thomas, Utah
Barkley	Fletcher	Logan	Thompson
Black	George	McGill	Tydings
Bone	Gibson	McKellar	Van Nuys
Brown	Goldsborough	Murphy	White
Bulkley	Hale	O'Mahoney	
Bulow	Harrison	Overton	

NOT VOTING—31

Barbour	Davis	McAdoo	Russell
Byrnes	Dickinson	McNary	Sheppard
Capper	Dieterich	Neely	Stephens
Caraway	Glass	Norbeck	Thomas, Okla.
Carey	Gore	Pittman	Trammell
Connally	Hayden	Reed	Vandenberg
Coolidge	Kean	Reynolds	Walcott
Costigan	Long	Robinson, Ind.	

So the amendment of Mr. WAGNER and Mr. HATFIELD was rejected.

Mr. CLARK. Mr. President, I offer an amendment, which I send to the desk.

The PRESIDING OFFICER. The clerk will state the amendment.

The LEGISLATIVE CLERK. It is proposed, on page 2, to strike out lines 20 to 25, inclusive, and to insert in lieu thereof the following:

> (b) Nothing in this act shall be construed to apply or to give the Commission jurisdiction with respect to charges, classifications, practices, or regulations for or in connection with intrastate communication service of any carrier, or to any carrier engaged in interstate or foreign communication solely through physical connection with the facilities of another carrier not directly or indirectly controlling or controlled by such carrier, or under direct or indirect control with such other carrier.

Mr. CLARK. Mr. President, the only purpose of this amendment is to clarify the language contained in the original bill with regard to small independent telephone companies. These independent telephone companies are located in small communities. They are entirely local affairs. I know there are nearly 700 in Missouri, and in a great many instances they are family enterprises; that is, a man will own the local independent telephone company, have the central office located in his own home, and the plant will be operated by the man and his family.

There are 700 independent telephone companies in Missouri. I think that without exception they are located in towns of less than 1,500 inhabitants. Nevertheless, under the terms of the bill, they probably would be subjected to the jurisdiction of the Interstate Commerce Commission, because nearly invariably they have a physical connection with a toll line, for long-distance calls, which would make them engage in interstate commerce.

Every one of these independent telephone lines throughout the United States is already subjected to local regulation by the State public service commissions, and to subject them to further regulation, with a duplication of a system of accounting, would

simply mean an intolerable burden on these little companies, who have had a hard time existing anyway.

Mr. DILL. Mr. President, I am familiar with the Senator's proposed amendment. I do not believe the amendment is necessary, but I do not think it would do any harm, because its purpose is to accomplish that which we have tried to do throughout the bill; that is, to protect the independent companies. I have no objection to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. WHEELER. Mr. President, on page 56, section 311, I notice this language is used:

> SEC. 311. The Commission is hereby directed to refuse a station license and/or the permit hereinafter required for the construction of a station to any person (or to any person directly or indirectly controlled by such person) whose license has been revoked by a court under section 313, and is hereby authorized to refuse such station license and/or permit to any other person (or to any person directly or indirectly controlled by such person) which has been finally adjudged guilty by a Federal court of unlawfully monopolizing, or attempting unlawfully to monopolize, after this act takes effect.

I move to strike out the words "after this act takes effect." Otherwise it would bring it down, in my judgment, to the present date, and if they have been monopolizing up to the present time, the Commission would not be able to act.

Mr. DILL. Mr. President, this wording, "after this act takes effect," was copied from existing law, and I think there may be some merit in the Senator's contention. At first I did not think there was, but on further consideration I believe there may be. I do not see that it would do any good to keep the language in, and I have no objection to it being stricken out, because there might be some question, it seems to me, of relieving somebody violating the law at this time.

Mr. WHITE. Mr. President, will the Senator from Montana yield?

Mr. WHEELER. I yield.

Mr. WHITE. I was in the far reaches of the Chamber and I could not hear the amendment as the Senator stated it.

Mr. WHEELER. I am moving to strike out, on line 24, page 56, section 311, the words "after this act takes effect."

Mr. WHITE. Will not the Senator explain just what the effect of the amendment would be?

Mr. WHEELER. Assuming that someone has been violating the provisions set forth up to the present time, the Commission may want to go ahead and act, and it seems to me that they could not act if that language remained in the measure. The purpose of this section is simply to reenact the present law.

Mr. DILL. In other words, as I understand, the Senator's contention is that this might exempt those who had been convicted between 1927 and this time. I cannot see that it would do any harm, and I have no objection to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. WALSH. Mr. President, I request the Senator to turn to page 9, line 1, where the bill reads, "Without regard to the civil-service laws or the Classification Act of 1923, as amended, (1) the Commission may appoint," and so forth; and again on page 14, where it reads, "Each division may (1) appoint a director, without regard to the civil-service laws or the Classification Act of 1923."

I should like to ask the Senator the reason for exempting the operations of the Classification Act in the payment of salaries of these officials, other than the commissioners.

Mr. DILL. Mr. President, it is because practically all of the commissions now do that.

Mr. WALSH. It is true that all of the emergency commissions which were created do that, but the fact is that the Federal Trade Commission and the Interstate Commerce Commission and other permanent departments comply with the provisions of the Classification Act. I, for one, protest against these new permanent commissions being allowed to fix salaries outside of the stipulations of the Classification Act, and exempt themselves from the general policy fixed.

Mr. DILL. We have fixed a maximum above which they may not go.

Mr. WALSH. That does not meet the situation. The same question is before the Committee on Education and Labor, of which I am chairman, in connection with the Wagner labor bill. A very similar provision was drafted, leaving employees out of the Classification Act and the civil service. It is one thing leaving them out of the civil service, where experts are needed, but it is an entirely different thing to put lawyers and other various employees outside of the Classification Act. It means that they may get any salary the Commission may see fit to fix. Let us have a uniform policy. Let us have all these positions under the Classification Act.

Mr. DILL. The Radio Commission has been operating under this kind of a provision, and I think they have found it reasonably satisfactory.

Mr. WALSH. It is time to stop it if they have been operating under it. One of the criticisms we hear generally as to the N.R.A. and some of the temporary commissions is that the salaries are out of all proportion to salaries in other fixed bureaus.

Mr. DILL. That would not apply in this case.

Mr. WALSH. Lawyers and experts doing exactly the same work which is being performed by lawyers and other employees in the permanent commissions are underpaid in comparison with the salaries being paid by the new commissions.

Mr. DILL. I remind the Senator that there is a limit fixed for salaries to be paid by this commission; they cannot go above a certain amount.

Mr. WALSH. Why should they be taken from under the Classification Act, anyway?

Mr. DILL. Because I think there ought to be a specific amount in the case of the chief counsel of a great Commission like this. I think he ought to have a substantial salary.

Mr. WALSH. That may be so of the chief counsel; but how about these other lawyers?

Mr. DILL. I think the same should apply to the chief engineer. It applies only to the chief counsel and the chief engineer. The special counsel are not included.

Mr. WALSH. It provides for one or more assistants, experts, and special counsel. It means that the assistant counsel may receive $7,500 per annum. I think that is excessive salary for attorneys today, in view of conditions in this country.

I am not one who favors low salaries. I have the same question coming up in connection with a bill that will be before us in a few weeks, and if such a policy is to be adopted in regard to the commission to be created under this bill, I want it to apply to the one to be created in the bill to come up later. I am against designating salaries in these bills because I think these employees and officials should be under the Classification Act. I cannot see any reason for exempting in this case.

Mr. DILL. I think one of the worst things about the civil service today in regard to these commissions is the fact that a commissioner cannot choose his own confidential clerk, that he must take someone who is on the civil-service list. If I were the member of a commission I would want my own confidential clerk, and I think the Senator from Massachusetts would want his, and I have purposely inserted in this bill a provision that each Commissioner might have one clerk. I think that is a provision that is highly desirable. I think every man has a right to have one clerk in an organization of this kind.

Mr. COUZENS. Mr. President, will the Senator from Massachusetts yield to me?

Mr. WALSH. I yield.

Mr. COUZENS. Let me ask the Senator whether this would be satisfactory to him. I intend to offer an amendment on page 9, beginning with line 4, to cut out the words "and one or more assistant chief engineers and one or more assistants, experts, and special counsel." That would leave free the secretary, the general counsel and the chief engineer.

Mr. DILL. I would have no objection to that amendment.

Mr. WALSH. As I understand the Senator's amendment it would strike out of this bill the provision "Without regard to the Classification Act of 1923."

Mr. COUZENS. Only as applied to the chief engineer and secretary and the general counsel. All the rest would be under Civil Service.

Mr. WALSH. If that is the purpose which the Senator from Michigan has in mind, I would agree to it.

Mr. COUZENS. I move, Mr. President, that that amendment be agreed to.

Mr. DILL. I have no objection to it.

Mr. WALSH. Let us see if we understand it. I understand that with the exception of the few positions named in the amendment, every other employee of this commission shall be subjected to the Classification Act. Am I correct?

Mr. DILL. That still leaves this one clerk, about whom I have made explanation, and I appeal to the Senator not to strike him.

Mr. WALSH. Who?

Mr. DILL. I provided that each commissioner should have one clerk.

Mr. COUZENS. On what page?

Mr. DILL. Page 9, lines 6 to 8.

Mr. WALSH. At a salary of $7,500 per annum?

Mr. KING. No, Mr. President; a salary of $4,000 per annum.

Mr. DILL. That "each commissioner may appoint and prescribe the duties of an assistant at an annual salary not to exceed $4,000 per annum."

Mr. KING. I think that ought to go out.

Mr. DILL. I think the Senator from Utah, if he were a commissioner, would desire to have his own clerk.

Mr. WALSH. It is quite easy to get one's own clerk from the civil-service list. All that is necessary is to write to the Civil Service Commission asking for a clerk of the type that one designates, who would answer the qualifications, and one can he assigned.

Mr. President, I object to this promiscuous fixing of salaries outside the Classification Act. I gather that the Senator from Michigan is in accord with my views. In connection with these new commissions we are running wild in the matter of salaries, and it is not fair to the old, steady employees in commissions like the Federal Trade Commission, the Post Office Department, or the Interstate Commerce Commission, or other departments. If lawyers and experts are entitled to these substantial salaries in the new commission, those in the old departments and commissions are entitled to the same salaries, and we will have a move here to boost their salaries to a level with the new high salaries.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. WALSH. I yield.

Mr. O'MAHONEY. It has heen my experience that the remarks of the Senator from Massachusetts are fully borne out hy conditions in the various departments. Even the assistants in the Post Office Department and the Assistant Secretaries in the Department of Commerce and the Department of Lahor are governed hy the Classification Act. I know of no reason why, for example, an Assistant Secretary of the Treasury or an Assistant Secretary of Labor should he under the Classification Act while an assistant in any new commission should he exempt from it. It would mean, just as the Senator from Massachusetts has said, that these commissions could fix the salaries as they pleased for their particular assistants, with no more responsibility, nor no greater amount of work to he performed than those in the old departments and commissions. I helieve the ohjection is very well founded.

Mr. DILL. The salary can he limited.

Mr. WALSH. I am pleased the Senator from Wyoming agrees with me.

Mr. O'MAHONEY. I am in perfect accord in limiting the salary.

Mr. WALSH. May I ask the Senator if the Assistant Secretary of Labor and the assistant secretaries of the major departments are under the Classification Act?

Mr. O'MAHONEY. Yes, certainly.

Mr. WALSH. Then if the assistant secretary to a Cahinet Officer is under the Classification Act, why put experts and attorneys and lawyers and other people outside the Classification Act?

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. WALSH. I yield.

Mr. BARKLEY. I think it must be inaccurate to say that all the Assistant Secretaries of Lahor and so forth are under the Classification Act.

Mr. O'MAHONEY. That is another matter.

Mr. BARKLEY. I recall at least one Assistant Secretary of Lahor whom I happen to have known for many years, whose name was sent here and who was confirmed hy the Senate. I do not know of any Assistant Secretary of Commerce or State or Lahor who is in the classified service.

Mr. O'MAHONEY. Mr. President, I think the Senator is lahoring under a misapprehension. This had no reference whatever to the classified service. This refers only to the Classification Act, which as I understand, fixes the salaries. This is not a question of exempting persons from the civil service.

Mr. WALSH. It is not exempting them from high salaries. It is putting their salaries ahove the salaries of those doing comparable work in other departments.

Mr. BARKLEY. I am entirely in sympathy with that, hut I understand we are talking here ahout a provision which allows each one of these new commissioners to appoint a private secretary at a salary not to exceed $4,000 a year. I think the real test in a matter of this sort is whether we would he willing to go to the civil-service list and pick our private secretary from that list. I am frank to say that I would not.

Mr. WALSH. I am not requiring that this he under the civil service, but I am asking that the classified salary be the salary which is received hy those performing the same class of work in other departments, whether it be $3,500 or $4,000. I am not asking that the commissioner go to the civil service, hut I am asking that the salary he under the classified act, in order that the secretaries to these Commissioners will he paid the same salary as paid to the secretary to the Postmaster General and the Secretary of Lahor.

Mr. O'MAHONEY. I might call the attention of the Senator from Kentucky to the language of this section, page 9, line 1:

> Without regard to the civil-service laws, or the Classification Act of 1923, as amended.

Those are two different laws. The Senator from Massachusetts is objecting to eliminating the provisions of the Classification Act from this special commission, and I think he is correct.

Mr. WALSH. It is an attempt to deceive us for those who are drafting these new acts to come here and sneak in exemptions of this type. I would not have discovered it, and no memher of my committee would have discovered it except for the Secretary of Lahor's Department calling our attention to what that classification elimination would mean. We did not realize that hy using that exception to the Classification Act they were leaving employees in this new commission out of the regular classified act, and I want to protest and ask the Senators, when these proposals are brought before us, to watch for such things as I have indicated.

Mr. BARKLEY. To what extent does the Classification Act conflict with the provision here limiting the salary of secretaries of two commissioners to $4,000?

Mr. WALSH. The Classification Act, I understand, fixes the salary of every Government employee, except those salaries which are fixed hy law, and it is fixed on the hasis of duties performed in the various departments, so that there shall he relationship in the salary of an employee of one department to the salary received hy an employee in another department performing the same duty.

Mr. BARKLEY. So, if the same language is retained in the hill, then the Commissioner could pick his own private secretary, and could fix the salary the same as the salary of an employee engaged in similar work in any other department.

Mr. WALSH. The point I am making is, why should the status of the secretary of a memher of this new commission he different from that of the secretary to the Postmaster General, for example, so far as his relationship to the Classification Act is concerned.

Mr. BARKLEY. I am making no contention about that, hut I am asking whether the retention of this language in the hill, while giving the commissioner a right to appoint his own secretary, would mean that the secretary would get the same salary as other employees engaged in the same line of duty would get?

Mr. LOGAN. Mr. President, will the Senator yield?

Mr. WALSH. I yield.

Mr. LOGAN. It is not often that I disagree so emphatically with the Senator from Massachusetts, hut I draw his attention to the fact that, in view of the difference in the situation hetween the civil-service employee under the classification service and the secretary who is hrought in from the outside, who is not on the Civil Service, there ought to he recognition by a difference in salary. The civil-service employee, suhject to the Classification Act, has a lifetime job, or cannot he removed except upon charges. He is safe in the position which he has. When an official goes out to employ someone as his secretary, who is not under Civil Service, that employee gives up his work hack home and comes to Washington. He has no fixed tenure of office. He can he told to take his hat and coat and leave at any time. When the official goes out, he goes out. And if we undertake to classify him as a civil-service employee and require him to accept the same salary, we are not treating him fairly.

Mr. WALSH. I agree with what the Senator says, hut I understand that the Classification Act fixes the salary of other than civil-service employees.

Mr. LOGAN. That is very true.

Mr. WALSH. I think it fixes the salary of the secretary, for example, to the Secretary of Labor, the secretary to the Secretary of Commerce, and the secretary to the Postmaster General. Such secretary is suhject to all the conditions we fix, and his salary is fixed hy the Classification Act. Why should the secretaries to these new commissioners have a different status as far as their relationship to the Classification Act is concerned?

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. WALSH. I yield.

Mr. O'MAHONEY. Perbaps I may add a word of explanation. The system whicb is now in vogue permits most of tbe heads of departments, and most of the assistants, and, I believe, most of the commissioners, to appoint their own personal secretaries free from tbe civil-service laws, and the salaries paid to tbose secretaries, occupying what are known as exempt positions, are somewbat greater tban the salaries paid similar persons in tbe civil service, under the circumstances which the Senator has referred to.

Mr. WALSH. Are they fixed under the Classification Act?

Mr. O'MAHONEY. They are.

Mr. WALSH. Why should these secretaries be treated any different than the other secretaries of whom the Senator spoke?

Mr. O'MAHONEY. It is one tbing to exempt certain positions from tbe Civil Service Act. That may and sbould properly be done in many cases. But to exempt them also from the Classification Act would result in great discrimination between tbe departments.

Mr. WALSH. Even the important officials and experts in tbe Interstate Commerce Commission, one of the most important independent organizations in the Federal Government, are subject to the Classification Act, every one of them. And yet bere we are proposing to exempt certain employees in this new department. I call attention to wbat is proposed on page 14.

> Each division may (1) appoint a director, without regard to the Civil Service laws or the Classification Act of 1923, as amended, at an annual salary that shall not exceed $7,500 per annum.

Wby should not tbat director be subject to tbe classification act tbe same as a director in the Interstate Commerce Commission?

Mr. DILL. For the reason that this is the creation of a new kind of position. We do not know exactly what he is going to do, and we have made the limit of salary $7,500.

I think the Senator from Massachusetts is unduly exercised about these limitations of salary for the reason——

Mr. LOGAN. Mr. President, will the Senator yield?

Mr. DILL. I sbould like first to answer tbe question of tbe Senator from Massachusetts. For the reason tbat we are providing for the creation of a new kind of position and we do not know exactly what the officer is going to bave to do, but we bave provided a limit of $7,500. I think the Senator is unduly exercised about these limitations of salaries. They are not fixed; they are limitations.

Mr. WALSH. I am exercised simply because a bill banded to my committee contains exactly the same provisions in tbe same language, and that all these bills are now being drafted with tbe idea of lifting these employees out of the civil service in some cases and in all cases out of the Classification Act. There may be some justification for it in the N.R.A. and the Public Works Administration, but in the case of a permanent board such as tbe one now proposed or the labor board such as is proposed in the bill pending before my committee, I propose that tbe salaries shall be uniform, that they shall be subject to tbe terms of tbe general Classification Act, and that tbe same salaries sball be paid for the same kind of work performed as are paid in otber departments, no more and no less. If that is not a fair proposition, then I do not know what is fair.

Mr. WHEELER. Mr. President——

Mr. WALSH. I yield.

Mr. WHEELER. It seems to me also that tbe language that is used on page 9 places no limitation on the amount the Commission migbt pay its secretary, for it is there provided:

> (f) Witbout regard to the civil-service laws or tbe Classification Act of 1923, as amended, (1) tbe Commission may appoint and prescribe tbe duties and fix the salaries of a secretary, a chief engineer and one or more assistant chief engineers, a general counsel and one or more assistants, experts, and special counsel.

Mr. WALSH. What do tbe words "and one or more assistants" mean? They may mean a hundred, to be appointed witbout regard to the Classification Act.

Mr. WHEELER. In addition to tbat, there is no limitation on the salary of the secretary. The commission may fix tbe salary of the secretary at $10,000 or $5,000, or any other sum tbat it sees fit, without any limitation of any kind or character.

Mr. WALSH. I suggest to the Senator from Washington, who, I know, is desirous of conforming to the usual practice, and wbo, undoubtedly, has not had this matter called to his attention, because it was called to the attention of my committee only by mere cbance, that tbis is an attempt to lift a large number of employees out of tbe salary groups of tbe Classification Act. Tbe salaries under the Classification Act run up to eight or nine tbousand dollars in some cases. I will ask the Senator from Wyoming [Mr. O'MAHONEY] if that is not a correct statement?

Mr. LOGAN. Mr. President, some salaries may reach that figure in the course of time, but wbat salaries are paid wben tbe employees enter the service? If the Senator were to be appointed a member of this commission, wbicb, of course, be will not be, because he is not eligible under the Constitution, and be wanted to take bis secretary witb him and his secretary had to come under the Classification Act, what would he get on going into tbe service in the beginning? He would probably get $1,600 a year, witb a reduction on account of the economy act.

Mr. WALSH. The Senator is mistaken. He would get the same salary that is paid to the secretary of the Secretary of Labor; he would get the same salary as paid to the secretary to tbe Attorney General.

Mr. LOGAN. Unless he had been in the service for a number of years be could not get the same salary. I had this experience with the Classification Act in Kentucky, as my colleague will bear me witness: Deputy collectors bad been receiving $2,200, $2,400, and $2,600 up to $3,000, because they had been in the service a good wbile under a previous administration. New ones were appointed recently; every one of them, under the ruling of the Department, had to go in at $1,800, less 15-percent reduction under the economy act; and tbat is what the Senator's secretary would receive if tbe Senator were appointed a member of tbe Commission and he selected his present secretary to be bis secretary in the new office. Unless he were placed in grade 8 or grade 9, or something of that kind, he would go in at grade 4, and would not be able to get the salary which should be paid. I do not know much about the civil-service laws now, and do not expect to know much about them, but that is my idca of wbat would happen.

Mr. WALSH. I am sure the Senator from Kentucky does not want this bill to provide for salaries for employces of this commission that are different from the salaries paid by other commissions. The only difference between the Senator and me is that he is willing to have all the subordinate employees, all the clerks and stenographers and filing clerks, and all tbe lesser employees come under the Classification Act, but he is not willing to let tbe attorneys, tbe experts, the directors, and those who are under the Classification Act in other bureaus of the Government come in under tbe Classification Act under the new commissions. Tbat is the only difference between us.

Mr. LOGAN. I should have no objection to their going under the Classification Act if there were not a rule in the classification law whicb requires that a new employee shall be appointed in a certain grade and which provides a salary that will not enable tbe commission to get the best men to do the work. I think it would be a mistake to make the salaries so low that tbe commission would have to take incompetent persons.

Mr. O'MAHONEY. Mr. President——

Mr. WALSH. I yield to tbe Senator from Wyoming.

Mr. O'MAHONEY. I may say to the Senator from Kentucky that that is not the way the law operates. To cite my own case, on tbe 6th of March 1933 I became First Assistant Postmaster General and I appointed my own secretary. She assumed ber office at the same salary as that which was paid to the secretary of my predecessor, except that she suffered the reduction tbat was required of all employees under tbe economy act, wbich, of course, has nothing whatever to do witb the question now being considered.

Mr. LOGAN. I will say to tbe Senator that perbaps many of us have not been so fortunate as be has been. I have not been able to secure anything of that kind. I do know that in Kentucky when new employees are appointed they have to go in at a certain grade, and they do not get very much salary. That may be just a discrimination against my State.

Mr. DILL. Mr. President, I want to say to the Senator from Massachusetts that this provision is not drawn by accident; it is not here without consideration. Tbe only point raised in tbis connection here today which I overlooked is tbat the bill fails to limit tbe salary of the secretary. I think that ought to be limited, and I am also entirely willing to strike out tbe provision relating to the assistants; but I submit that when a commission of this kind is being created the majority party, having 3 of the 5 members, should have the right, without regard to the civil-service law, to change its cbief counsel.

Mr. WALSH. I am not objecting to that.

Mr. DILL. Or to change its chief engineer.

Mr. WALSH. I am not objecting to that, either.

Mr. DILL. And to appoint their individual assistants and have them paid a proper salary. If $4,000 is too much, make it $3,600. I do not see anything to be gained by taking advantage of civil-service methods by which one clerk is dismissed and another clerk is appointed who, it is thought, may be a little better. I think that is just a matter of juggling. We ought to be frank about this matter and say that the members of the Commission should appoint their own clerks; I think they are entitled to do so; I think we will thereby get better results from the Commission.

Mr. WALSH. Does the Senator suggest that the only office created in this bill that leaves the salary unsettled is that of the secretary of the Commission?

Mr. DILL. I say the one which I had overlooked was the salary of the secretary.

Mr. WALSH. I call attention to what the Senator from Montana stated, quoting from page 9 of the bill, which provides that—

> The Commission may appoint and prescribe the duties and fix the salaries of a secretary, a chief engineer, and one or more assistant chief engineers, a general counsel, and one or more assistants, experts, and special counsel.

Mr. DILL. And the general counsel and the chief engineer are limited with regard to salaries to $9,000; their assistants and experts to $7,500.

Mr. WALSH. Yes; but why limit them to that? I want to have them all come under the Classification Act as to employees doing comparable work in other departments.

Mr. DILL. For the simple reason that I do not believe it possible always to get the kind of men required under the salaries provided by the classification act.

Mr. WALSH. Then let us agree that in the case of all future bills we will put the same language in and leave to the commissioners all questions of salary, and take that power away from Congress which has fixed the policy in adopting the classification act.

Mr. DILL. The Senator from Michigan has suggested an amendment which I think meets reasonably the objections of the Senator from Massachusetts, and which I think will not seriously interfere with the purpose of the Commission.

Mr. WALSH. Mr. President, I should like to have the amendment of the Senator from Michigan stated.

Mr. COUZENS. Mr. President, I have not written it out, but I should like, with the consent of the chairman of the committee, to amend what I think ought to be amended in paragraph (f). What I suggested, I think, does not go far enough, and I have since talked to the assistant to the chairman of the committee, pointing out to him the part that I thought ought to be amended; and, without having written it out, if he will follow me, I will read what I offer as an amendment. It will read in this way:

> (f) With regard to the civil-service laws or the Classification Act of 1923, as amended, (1) the Commission may appoint and prescribe the duties and fix the salaries of a secretary, a chief engineer, and a general counsel, and (2) each commissioner may appoint and prescribe the duties of an assistant and pay him in accordance with the Classification Act of 1923, as amended.

Then on line 9:

> The general counsel, the secretary, and the chief engineer shall receive an annual salary of not exceeding $7,500.

Then I eliminate the following language:

> And no assistant or expert shall receive an annual salary in excess of $7,500.

That is eliminated because those officers will come under the Classification Act of 1923, as amended.

Mr. DILL. Does the Senator think that $7,500 is a sufficient salary for the chief counsel of a great commission such as this?

Mr. COUZENS. I put that provision in largely at the suggestion of the Senator from Utah, but I did not intend to amend that; and if there is any objection to that particular suggestion, I will leave it at $9,000. Then, we may discuss that later. But I should like to have the other provisions of my amendment agreed to.

Mr. DILL. It seems to me that $7,500 is a pretty low salary for a general counsel.

Mr. WALSH. Is not that the salary of the Assistant Attorneys General? Is not that the salary the chief counsels get for every bureau and department of the Government?

Mr. DILL. A good many of them get $10,000.

Mr. COUZENS. I think that is true. I will withdraw that provision; and then, if the Senate wants to amend my amendment, and adopt it, we can discuss the other matter separately.

Mr. WALSH. The amendment of the Senator from Michigan is infinitely better than the bill as drafted. Yet he adheres to the belief that certain officers should be taken out of the Classification Act. If the Classification Act did not allow substantial salaries, I would agree with what he says, but under that act salaries may be paid up to eight or nine thousand dollars. It does not provide merely for salaries of $2,000, $3,000, $4,000, or $5,000, but provides for the very salaries that are proposed to be paid by this bill. Why make a distinction? Why let the bars down in this case? If we do it in this case, why not do it in other cases and let the various departments and bureaus fix the salaries of those they employ?

Mr. O'MAHONEY. Mr. President, I might add that the President within a few months past delegated to the Director of the Budget the duty of examining all the new bureaus and attempting to classify all the salaries there in accordance with the Classification Act for the purpose of maintaining a uniform system throughout the Government service.

Mr. WALSH. Yes; and we are proposing, by passing this bill, to undo what the President is trying to do, namely, to create a uniform system. Why not, I will ask the Senator from Michigan, merely strike out the exempting words "the Classification Act of 1923, as amended"?

Mr. DILL. Mr. President, I think there are some other amendments to be offered, and I therefore suggest that we pass over this amendment and consider the other amendments, and we may recur to this question later, and, in the meantime, the amendment may be perfected.

Mr. COUZENS. I withdraw my amendment for the time being.

Mr. WHITE. Mr. President, I desire to offer two amendments to which I think there will be no objection and which will lead to no controversy. The first amendment is, on page 43, in line 11, before the word "of", to insert the words "within the jurisdiction"; so as to read:

> Or (e) upon any vessel or aircraft within the jurisdiction of the United States.

That simply harmonizes the language with similar language appearing elsewhere.

Mr. DILL. Mr. President, I have no objection to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Maine.

The amendment was agreed to.

Mr. WHITE. I offer another amendment, on page 58, at the end of line 8, to insert the following—and probably I had better read the amendment, because it is in my own handwriting:

> (b) Any station license hereafter granted under the provisions of this act, or the construction permit required hereby and hereafter issued, may be modified by the Commission either for a limited time or for the duration of the term thereof, if in the judgment of the Commission such action will promote the public interest, convenience, and necessity, or the provisions of this act or of any treaty ratified by the United States will be more fully complied with: *Provided, however,* That no such order of modification shall become final until the holder of such outstanding license or permit shall have been notified in writing of the proposed action and the grounds or reasons therefor, and shall have been given reasonable opportunity to show cause why such an order of modification should not issue.

I may say to the Senator from Washington that the only purpose of the amendment is to put affirmatively into the bill the express authority for modification. We have referred in various places to modification of licenses, but I fail to find any definite and express and affirmative authority to make a modification. I suggest that if this amendment be adopted and is found not to be in proper form, it may be worked out in conference.

Mr. DILL. Mr. President, I may say that the Senator from Maine previously called my attention to the amendment. It simply is a method of harmonizing differences that may arise and, as I understand, it provides for hearing before action. I have no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Maine.

The amendment was agreed to.

Mr. DILL. Mr. President, the Senator from Alabama [Mr. BLACK] asked me to offer in his behalf an amendment, to which I have no objection. I now offer the amendment.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. It is proposed on page 31, line 14, before the period to insert the following:

> And in order to fully examine into such transactions the Commission shall have access to and the right of inspection of all accounts, records, and memoranda, including all documents, papers, and correspondence now or hereafter existing, of persons furnishing such equipment, supplies, research, services, finances, credit, or personnel.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Washington in behalf of the Senator from Alabama [Mr. BLACK].

The amendment was agreed to.

Mr. DILL. I have another amendment of my own which I should like to offer and which I think is desirable.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. It is proposed, on page 52, after line 3, to insert the following new paragraph:

> (f) In granting applications for licenses or renewal of licenses for frequencies to be used for broadcasting, the Commission shall so distribute such licenses that no one licensee nor organization of licensees, whether effected by purchase, lease, chain broadcasting, or other method, shall be able to monopolize or exercise dominant control over the broadcasting facilities of any community, city, or State, or over the country as a whole; and the Commission shall, so far as possible, by its distribution of licenses, provide for broad diversification and free competition in broadcast programs to be presented to radio listeners.

Mr. DILL. The purpose of the amendment is to make it impossible for any one man or organization to have control of the broadcasting facilities of a community, State, or the country if there are other applications from responsible applicants. At the present time there is growing up in many cities the practice of the owner of an important station leasing the facilities of another important station and then organizing a corporation to control a third station, and as a result the one station gets complete control of the broadcasting of the community. The purpose of the amendment is to give the Commission a reason, if there be a suitable applicant, for granting a license to another applicant and to break up that kind of practice if the Commission shall find it necessary. It is a permissive amendment.

Mr. FESS. Mr. President, may I ask the Senator a question?

Mr. DILL. Certainly.

Mr. FESS. This would not interfere with WLW?

Mr. DILL. Only if WLW reached out and undertook to get control of all the other stations in Cincinnati.

Mr. FESS. After that station has been given the frequency it would not be interfered with if operating within the law?

Mr. DILL. No; but if it went out and secured all the other stations in Cincinnati, then someone else might get a license.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Washington.

The amendment was agreed to.

Mr. DILL. Mr. President, that is all the amendments I have to offer.

Mr. KING. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. It is proposed, on page 50, line 23, after the first comma, to strike out the remainder of the paragraph and to insert in lieu thereof the following:

> That the Commission may, without regard to the requirements of this subsection, grant applications for additional licenses for stations if the Commission finds that such stations are required in order to furnish adequate radio broadcasting service and that their operation will not interfere with the fair and efficient radio service of licensed stations.

Mr. KING. Mr. President, this follows practically the language of the bill, striking out "250 watts" and leaving it in the discretion of the Commission to grant a license if the needs of the public so require.

Mr. DILL. Mr. President, this is an amendment which has been much discussed. I do not have any strong opposition to it, though I hardly feel that I want to endorse it. I will leave it to the Senate to vote upon it.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Utah.

The amendment was agreed to.

Mr. COUZENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum having been suggested, the clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Cutting	Keyes	Robinson, Ind.
Ashurst	Dickinson	King	Schall
Austin	Dill	La Follette	Shipstead
Bachman	Duffy	Lewis	Smith
Bailey	Erickson	Logan	Steiwer
Bankhead	Fess	Lonergan	Stephens
Barkley	Fletcher	McCarran	Thomas, Okla.
Black	Frazier	McGill	Thomas, Utah
Bone	George	McKellar	Thompson
Borah	Gibson	McNary	Townsend
Brown	Glass	Metcalf	Tydings
Bulkley	Goldshorough	Murphy	Vandenherg
Bulow	Hale	Norheck	Van Nuys
Byrd	Harrison	Norris	Wagner
Byrnes	Hastings	Nye	Walcott
Capper	Hatch	O'Mahoney	Walsh
Clark	Hatfield	Overton	Wheeler
Connally	Hayden	Patterson	White
Copeland	Hehert	Pope	
Couzens	Johnson	Robinson, Ark.	

The PRESIDING OFFICER. Seventy-eight Senators having answered to their names, a quorum is present.

Mr. WALSH. Mr. President, carrying out the views expressed by the Senator from Michigan [Mr. COUZENS], myself, and other Senators upon the floor, we have agreed to the amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. It is proposed to strike out from line 1, page 9 to the words "per annum" on line 12, and in lieu thereof to insert the following:

> (f) Without regard to the civil-service laws or the Classification Act of 1923, as amended, the Commission may appoint and prescribe the duties and fix the salaries of a secretary, a chief engineer, and a general counsel; and each Commissioner may, without regard to the civil-service laws, appoint and prescribe the duties of an assistant whose compensation shall be fixed in accordance with the Classification Act of 1923, as amended. The general counsel and the chief engineer shall each receive an annual salary of not to exceed $9,000. The secretary shall receive an annual salary not to exceed $7,500.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Massachusetts.

Mr. WALSH. Mr. President, in explanation of the amendment, I desire to state that I have obtained the published pamphlet of the Civil Service retirement and salary classification laws. I find on page 19 of that pamphlet, among the various employees who are classified for the purpose of fixing salaries, a group known as "professional and scientific service." The classification board has classified this group into seven grades; and it is provided that the annual rate of compensation for positions in grade 7 "shall be $7,500, unless a higher rate is specially authorized by law."

I find that all through this compilation of laws an attempt is made by the Classification Board to establish various classifications of salaries, in some instances salaries which reach as high as $9,000, providing for every official in the Government other than those designated by law.

I understand that this amendment is acceptable to the Senator from Washington.

Mr. DILL. I have no objection to the amendment.

Mr. KING. Mr. President, I should like to inquire as to the meaning of the word "assistant." That may mean much, and it may mean little. It may mean that an assistant is to have a grade slightly below the principal, at a very large salary.

If the assistant is to fall within the category of secretary, that is one thing.

Mr. COUZENS. Mr. President, will the Senator yield?

Mr. KING. I yield.

Mr. COUZENS. In drafting this amendment in cooperation with the Senator from Massachusetts, it was understood that the assistant in this case means a commissioner's secretary, and the assistant falls within the salary fixed by the Classification Act.

Mr. KING. If it is understood that the word "assistant" does not mean an assistant commissioner, or an "under secretary", such as it is now so common to call officials, or some other high position in the Government, that is one thing. However, I shall accept the explanation made hy the ahle Senator from Michigan and give to the word "assistant" the meaning ascribed to it; hut I am afraid that when the Commission attempt to interpret the word "assistant" they will attrihute to it quite a different meaning and insist that it calls for one who has large experience and has ability to deal with practical questions in connection with radio, and so forth, and claim for the "assistant" compensation greatly in excess of that indicated or which would he required for a secretary.

If the Senator understands that it is really a secretary who is meant, that is a different matter.

Mr. DILL. It is really a secretary.

Mr. KING. I ask the clerk to read again the compensation provided for the attorney and the engineer. Meanwhile I may say, Mr. President, that I think we have heen unwise in fixing the salaries and compensation for many of these new organizations. I think we have gone wild, to use the language of the street, and I know that we are hringing upon ourselves considerable criticism by reason of the fact that some of these new agencies, new hureaus, and new organizations are permitted to pay compensation in excess of many of that given to employees in regular organizations and departments of the Government. That common policy results in discontent. When persons working in the Treasury Department or in some other department who have heen there for many years, receiving four, five, or six thousand dollars per annum, find that individuals, perhaps with less ahility and less qualifications, in some of these new organizations are getting two or three or four thousand dollars more per annum than they get, obviously there will be resentment and a feeling of discrimination.

Mr. President, I think we have gone too far in providing the large salaries in new organizations which have been set up. Notwithstanding the speech made hy the Senator from Kentucky, these new organizations ought to come within the Classification Act. We ought to treat all alike. There is no trouhle in getting individuals to come here and accept johs. They come here in myriads seeking them. I have from 25 to 50 callers every day from various parts of the United States who are here seeking positions—lawyers, engineers, accountants, men who have received large salaries and have been employed in responsihle positions, and who would be glad now to get $150 or $200 a month; yet when we come to fix the compensation of officials in some of these new organizations we do not take into account the condition of the country, the burdens imposed upon the Government, and the demands made upon the Treasury of the United States.

Mr. WALSH and Mr. DILL addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Utah yield; and if so, to whom?

Mr. KING. I yield to my friend from Massachusetts.

Mr. WALSH. Mr. President, as I understand the amendment that has heen offered, when we get through setting up this commission we shall have 5 commissioners, 5 assistant commissioners, and 5 private secretaries.

Mr. KING. Yes.

Mr. DILL. Oh, no!

Mr. WALSH. We shall have a private secretary to each commissioner.

Mr. DILL. But not five assistants.

Mr. WALSH. Each commissioner is to have an assistant.

Mr. DILL. That is his clerk or secretary.

Mr. COUZENS. That is what it is intended for.

Mr. WALSH. There is quite a difference between an assistant to the commissioner and a secretary to the commissioner.

Mr. ROBINSON of Arkansas. Mr. President, this employee has heen dignified with the title of assistant commissioner, hut he is expected to serve as secretary.

Mr. DILL. There will be no assistant commissioners.

Mr. KING. May I ask the chairman of the committee what is meant hy the provision on page 14—

> Each division may * * * appoint a director, without regard to the Civil Service laws or the Classification Act * * *, at an annual salary—

It was $8,000, and it has been reduced to $7,500. What is a director?

Mr. DILL. A director is a man to he appointed to try to carry out the administrative work of these divisions, to save the Commissioners from doing the detail work they now have to do. It is helieved that they can avoid employing a great deal of additional help which otherwise would have to he chosen if these directors can he provided. I do not know how the plan will work; it is an experiment; but there are 17,000 amateur licenses in this country, and they are renewed every 6 months. There ought to be somehody handling that work besides the chairman of the Commission.

Mr. KING. Mr. President, we find the engineer and the other assistants——

Mr. DILL. The Senator was talking about the salary of the engineer and the attorney.

Mr. KING. Yes.

Mr. DILL. The present chief counsel of the Radio Commission gets $10,000.

Mr. KING. That is too much.

Mr. DILL. The chief engineer gets $10,000.

Mr. KING. That is too much.

Mr. DILL. We are cutting it to $9,000, and I think that when we are putting both the great telephone monopoly and the radio, with all the ramifications, under one commission, $9,000 is not an exorhitant salary. Certainly as to the engineer, with the responsihility on him that is coming with the development of radio, $9,000 is not an exorhitant salary.

Mr. KING. I will ask that the clerk read the salary to he paid the engineer and the salary to he paid the counsel.

The PRESIDING OFFICER. The clerk will read.

The LEGISLATIVE CLERK (reading):

> The chief engineer shall receive an annual salary not to exceed $9,000, and the secretary shall receive an annual salary not to exceed $7,500.

Mr. KING. Mr. President, I move to strike out "$7,500" and to insert in lieu thereof "$6,000." I think that is sufficient for the secretary of the Commission.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered hy the Senator from Utah to the amendment offered hy the Senator from Massachusetts.

The amendment to the amendment was rejected.

Mr. FESS. Mr. President, I am in favor of the movement that is heing made to require, so far as possihle, that the civil-service law shall he followed, although I do agree, and have agreed all along, that in the case of experts we really ought to keep the way open, so that special talent may he selected without the requirement of an examination, which would not he the best method for getting the highest talent.

On the question of salaries, I do not see how we can very well classify this Commission with other commissions. It will have a duty to perform prohahly as complicated as that of most of the other commissions. As to the counsel, we ought to realize that where the counsel of this Commission will be called in to prosecute a case he will be up against the hest talent money can buy, and while I believe legal talent could he found which would lend itself to the service of the Government at a smaller salary, I doubt very much whether it would be wise to cut the salary below what the hill has suggested, for the legal counsel at least. I do not care so much ahout the engineer or the examiners, but as to the legal counsel, I think that is quite essential.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Massachusetts as modified.

The amendment as modified was agreed to.

Mr. WHEELER. Mr. President, there is a provision on page 14 with reference to directors. I am frank to say that I feel it is ahsolutely wrong to appoint two directors. I think it would result in dividing up the responsihility of the Commission. The Commissioners are to he appointed, and they are to he paid good salaries, and there are to he lawyers and engineers and assistants and secretaries, and then they are to appoint directors. When those directors are appointed the responsihility which ought to he placed upon the Commissioners will he divided.

Mr. DILL. Mr. President, I call attention to the fact that in the Interstate Commerce Commission there are nine directors, their salaries ranging from $7,500 to $10,000 a year. The Interstate Commerce Commission has found that they are so important and so valuahle that they have nine of them. I do not think it is unreasonahle, in a commission of the kind to he appointed under this measure, that there should he two directors, and that their salaries should he $10,500.

Mr. WHEELER. My own view ahout the matter is, as I said a moment ago, that we are loading these commissions up with many high-salaried employees who are not necessary. We talk

about getting experts in these commissions, and every Senator knows that, as a matter of fact, they are not experts at all; that we are filling some of the commissions with politicians.

Mr. WALSH. May I inquire of the Senator, or, through him, of the Senator from Washington, whether the bill contains a provision taking over the present Radio Commission?

Mr. DILL. Yes.

Mr. WALSH. So that, in addition to the present personnel of the Radio Commission, we are creating all these new jobs. Has the Senator any conception of what the pay roll will be?

Mr. DILL. There is no requirement to keep the employees of the Radio Commission. The new commission are simply empowered to take it over.

Mr. WALSH. Those who are now employed in the Radio Commission are under the Civil Service?

Mr. DILL. Not all of them. Quite a number of them are. The assistants who are to be stricken out are not under the Civil Service today.

Mr. WALSH. Does the Senator know what the salaries of the present employees are?

Mr. DILL. In the Radio Commission the chief engineer gets $10,000, the chief counsel gets $10,000, and the salaries range below that. I do not know the salaries of the assistants.

Mr. WALSH. What are the salaries of the directors?

Mr. DILL. There are no directors in the Radio Commission.

Mr. WALSH. The Senator is proposing to provide for directors?

Mr. DILL. Two are provided for. The Interstate Commerce Commission has nine, and has found it necessary to have that number of directors; so I do not think it is unreasonable to ask for two in this bill.

Mr. KING. Mr. President, what information does the Senator expect the Government to get that will be of any benefit based upon the information which we have respecting the activities of the I.C.C., where the duty is devolved upon the Commission to ascertain the value of the property?

Mr. DILL. The Commission is given permissive power, not mandatory power, to determine valuations, if it finds it advantageous to do so in the determination of the returns and rates.

Mr. KING. The Senator knows that many years ago the so-called "La Follette Act" was passed under which we have expended more than $50,000,000.

Mr. DILL. It is to avoid that sort of thing that we have made this permissive.

Mr. KING. The Interstate Commerce Commission was to determine the valuation of the railroads. The valuation of the railroads 10, or 20, or 25 years ago furnishes no information or data now satisfactory as a basis for the fixing of rates. I was just wondering what value there would be if we are to duplicate the work of the Interstate Commerce Commission with respect to a different subject.

Mr. DILL. The Senator realizes that there must be some power somewhere to find out what the valuation is, if they are to fix rates; but it is not mandatory.

Mr. WHEELER. Mr. President, I call attention to the fact that in the paragraph providing for the two directors is this language:

> Any action so taken by a division and any order, decision, or report made or other action taken by either of said divisions in respect of any matters assigned to it shall have the same force and effect, and may be made, evidenced, and enforced in the same manner as if made or taken by the Commission.

In other words, they will appoint two directors, who will have the same force and effect as Commissioners.

Mr. DILL. No; anything a director does may be set aside on objection.

Mr. WHEELER. But, unless it is set aside——

Mr. DILL. If it is satisfactory to everybody, there is no reason why it should be set aside.

Mr. WHEELER. The bill provides that—

> The director for each division shall exercise such of the functions thereof as may be vested in him by the division, but any order of the director shall be subject to review by the division under such rules and regulations as the Commission shall prescribe.

Mr. DILL. It may be affirmed, or set aside. The duties of the directors are merely routine.

Mr. COUZENS. There are dozens of them in the Interstate Commerce Commission.

Mr. WHEELER. Even if there are, it seems to me it is foolish to provide for a number of directors, and a number of other officers, on this Commission. I shall not move to strike the provision out, however, although I think it is unnecessary.

Mr. WALSH. Mr. President, I do not mean anything personal toward the Senator from Washington [Mr. DILL] in what I am about to say, but, in view of what I myself have observed before the Committee on Education and Labor, of which I have the honor to be chairman, as to the agitation for new commissions, and in view of the discussion here today, I wish to say that in the future I intend to inquire, when a bill is reported creating a new commission, whether or not the salary list and the number of employees and the amounts to be paid have been referred to the Budget for report. Let the administration take the responsibility of piling up these big salary lists.

Mr. KING. Mr. President, will the Senator yield?

Mr. WALSH. I yield.

Mr. KING. I hope the Senator is not prophesying that there are to be new commissions created. I hope the day has come when we will not create any more.

Mr. WALSH. There are four of five in sight, developed here during the last few days.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and read the third time.

The PRESIDING OFFICER. The question now is, Shall the bill pass?

Mr. McNARY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll .

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Couzens	Johnson	Robinson, Ark.
Ashurst	Cutting	Keyes	Robinson, Ind.
Austin	Dickinson	King	Schall
Bachman	Dill	La Follette	Shipstead
Bailey	Duffy	Lewis	Smith
Bankhead	Erickson	Logan	Steiwer
Barkley	Fess	Lonergan	Stephens
Black	Fletcher	McCarran	Thomas, Okla.
Bone	Frazier	McGill	Thomas, Utah
Borah	George	McKellar	Thompson
Brown	Gibson	McNary	Townsend
Bulkley	Glass	Metcalf	Tydings
Bulow	Goldsborough	Murphy	Vandenberg
Byrd	Hale	Norbeck	Van Nuys
Byrnes	Harrison	Norris	Wagner
Capper	Hastings	Nye	Walcott
Clark	Hatch	O'Mahoney	Walsh
Connally	Hatfield	Overton	Wheeler
Copeland	Hayden	Patterson	White
Costigan	Hebert	Pope	

The VICE PRESIDENT. Seventy-nine Senators having answered to their names, a quorum is present.

The question is, Shall the bill pass?

The bill was passed.

NAB CONVENTION IN SEPTEMBER

The Board of Directors of the NAB at its meeting this week selected Cincinnati, Ohio, as the place for the 1934 membership meeting. The dates were fixed at September 16, 17, 18 and 19. The Board considered numerous invitations during its meeting and finally agreed upon the Ohio city which has actively campaigned for an NAB meeting since 1929.

President McCosker announced the appointment of Ed Spence of WPG as chairman of the Convention Committee with the authority to name his own committee members. Plans for the meeting will go forward immediately.

NAB BOARD MEETS IN WASHINGTON

A regular meeting of the NAB Board of Directors was held in Washington on May 14. President McCosker presided. Those present were: President McCosker, Leo Fitzpatrick, John Shepard III, William S. Hedges, H. K. Carpenter, I. R. Lounsberry, Frank M. Russell, Arthur B. Church, J. Thomas Lyons, I. Z. Buckwalter, J. T. Ward, C. W. Myers, Henry A. Bellows, E. B. Craney, Walter J. Damm, W. W. Gedge, Philip G. Loucks, Joseph C. Hostetler and Oswald F. Schuette.

The Managing Director presented membership applications from the following stations: WEHC, WSJS, WDEL, KXA, KOH, WAVE, WSGN, WHDH, KWKH, KWEA, KTUL, KQW,

WHAM, KTHS, WTAR, WHET, WFAS, WSYB, WFAB, WJJD, WBIG, WDBO, WDAE, WDAG, KTET, KONO, WRNA, WROL, KFDM, KRGV, KGHF, KFXR, KREG, KXL, KGFI, WIBG, KOOS, KFJI, KFJB, KFH, WLEY, WWNC, WKOK, WJW, KFOX, KXRO, KRE, KMA, KIEM, WHEC, KALE, KFXD, KVI, WCAZ, KMO, KIT, KVL, WPFB, WNEW, WAML, WPAD, KASA, KGIX, WDSU, KLO, WKBH, KMMJ, KGKO, KIEV, KFJM, WWAE, KNX, KIDO. All of the above applications were approved.

The Managing Director reported on the financial condition of the Association, pointing out that current income was barely sufficient to meet current expenditures and suggested that the Executive Committee be authorized to draft a suggested amendment to the by-laws, to be acted upon at the next annual meeting, grouping stations in income classes and assessing fixed amounts of dues for each class. The recommendation was adopted.

Mr. Hostetler and President McCosker told of meetings which they had with representatives of ASCAP during which it was indicated that the ASCAP was ready to enter into negotiations looking to a revision of the present copyright contract. It was the thought of the Board that such negotiations should be continued and as instructions to the negotiators the Board reaffirmed its previous resolution urging that any new contract should be based upon the use actually made of ASCAP contract. The Board adopted a resolution appointing President McCosker, Treasurer Levy, Walter J. Damm, I. Z. Buckwalter, Frank M. Russell and the Managing Director as a committee to advise with Mr. Hostetler in connection with copyright matters.

Mr. Hostetler reported that the suit against ASCAP was now awaiting trial in the federal court and that preparations for trial are going forward. Mr. Schuette reported that there was little hope for copyright legislation during the present session of Congress and reported progress in the investigations being conducted by the Federal Trade Commission and the Department of Justice. He also reported that he was endeavoring to get a satisfactory provision in the music publishers code.

The Board, after reaffirming its previous position in the copyright matter adopted a resolution authorizing its copyright counsel, acting with the Copyright Committee of the Board, to take such steps as in his opinion will result in the negotiation of a contract under which the broadcasters will pay for the use which he makes of such music as is controlled by ASCAP.

Looking toward the enactment of a new Communications Commission bill and the creation of a new Communications Commission to replace the Federal Radio Commission, the Board adopted a motion that the President be urged to appoint at least two and preferably three men to the new Commission who are thoroughly conversant with the broadcasting industry either through administration of the radio law or through active work in the broadcasting industry itself.

The Board then adopted a motion approving of the action taken in the name of the NAB in opposing the enactment of the Wagner-Hatfield amendment to S. 3285 and the so-called McFadden bill, and in insisting on material amendments to S. 3285 and S. 2800.

Mr. Bellows reviewed the legislative situation in the present Congress, discussing the McFadden bill, Communications Commission bills, the Wagner-Hatfield amendment, the Cutting bill and the Copeland bill.

The Board adopted a resolution authorizing the President to appoint a committee to study the relationship between the radio and the press. It was agreed that for the present the NAB should not accept the place tendered to it by the administrative committee of the radio-press bureau.

The Board directed the Managing Director to file a protest against certain provisions proposed to the telegraph companies code under which certain charges to broadcasters would be increased.

F. T. C. ANNOUNCEMENT ON RADIO

The following announcement was made this week by the Federal Trade Commission:

"Radio advertising is to be subjected to the scrutiny of the Federal Trade Commisison, according to an announcement made by that Commission today. This announcement means simply that the Federal Government will extend to radio advertising the same principle that for many years has been applied to newspaper, periodical, and other forms of advertising, under Section 5 of the Federal Trade Commission Act, which gives the Commission jurisdiction over unfair methods of competition in interstate commerce. This the courts have uniformly held to embrace false and misleading advertising. The Federal Trade Commission has handled thousands of such cases.

"Anticipating a fine spirit of cooperation from the radio industry, as already manifested by some of the leading executives, the Commission is approaching the radio field in a spirit of friendly cooperation. Consequently, instead of adopting a plan of monitoring broadcasting programs, the Commission is asking for copies of advertising announcements to be furnished by the networks and broadcasting stations. Pursuant to that plan, the Commission has addressed letters to the broadcasting stations requesting them, beginning July 1 next, to mail weekly copy of commercial continuities, which will be checked to determine whether or not any of them are in violation of the Federal Trade Commission Act.

"Copy of the letter is as follows:

" 'Gentlemen:

" 'This Commission has directed that hereafter more attention shall be given to the subject of commercial representations by radio broadcast. This is in response to a general demand that the same rules for advertising be observed in radio broadcasts as those enforced by the Commission with respect to periodical advertising.

" 'It is anticipated that the radio industry will display the same cooperative spirit as the publishing industry has, to the end that unfair, false and misleading advertising shall be eliminated from interstate commerce.

" 'Commencing July 1, 1934, and until further notice, you are respectfully requested to procure copies of all commercial continuities (other than network programs and electrical transcriptions) issued through your facilities, and forward these, with dates of broadcasts and addresses of advertisers, to the Special Board of Investigation, Federal Trade Commission, Washington, D. C.

" 'For convenience these may be mailed once a week, to be filed and reviewed by the Board.

" 'Government franks are enclosed for your use in transmitting such copies. Additional franks will be supplied as needed.

" 'Your cooperation will be appreciated by the Commission.

" 'Yours sincerely,

" 'FEDERAL TRADE COMMISSION.

" 'OTIS B. JOHNSON,

" '*Secretary.*'

"Whenever statements occur in commercial announcements which appear to be false and misleading, or otherwise constitute an unfair method of competition in commerce, notices will be sent both to the advertiser and the radio station broadcasting the advertising, with the view of effecting a stipulation under which the advertiser and the broadcaster agree to cease and desist from the practices complained of. Execution of such a stipulation would end the case. However, should such compliance not be effected, the case would then proceed through a public hearing, with argument before the Commission, decision by the Commission, and perhaps appeal to the courts."

RADIO COMMISSION QUERIES PRESS

While the Federal Radio Commission continues to ignore resolutions adopted by the NAB membership relating to electrical transcriptions and longer licence terms, it has taken cognizance of an editorial published in a New York newspaper. On Friday, May 18, the following resolution was adopted by the Commission:

"WHEREAS on May 12, 1934, the *New York Herald Tribune*, Ogden Mills Reid, President and Editor, in its editorial column, published the following:

" 'The radio, controlled by the Administration through its licensing power, was made the spokesman of the New Deal and largely restricted to government propaganda,' and

"WHEREAS the Federal Radio Commission, pursuant to the provisions of the Radio Act of 1927, is the 'licensing power,' and

"WHEREAS the Federal Radio Commission, consistent with the prohibition contained in Section 29 of the Radio Act of 1927, as follows:

" 'Nothing in this act shall be understood or construed to give the licensing authority the power of censorship over the radio communications or signals transmitted by any radio station, and no regulation or condition shall be promulgated or fixed by the licensing authority which shall interfere with the right of free speech by means of radio communications. * * *'

has never 'controlled' or 'restricted' radio programs to 'government propaganda,' or attempted in any way so to do;

"NOW, THEREFORE, BE IT RESOLVED that Mr. Ogden Mills Reid, the President and Editor of the *New York Herald Tribune*, be and is hereby, requested to furnish the Commission any facts or other material, including the names of parties furnish-

ing the same, which would support, or tend to support, the statements made in the editorial column of said newspaper."

RADIO CODE NOT AFFECTED

The Code of Fair Competition for the Radio Broadcasting Industry will continue in full force and effect. This statement is made on good authority after statements in the press that Service Industries may be excluded from Codes of Fair Competition.

The Code Authority this week mailed to all radio broadcasting stations copies of Code Authority Bulletins Nos. 6 and 7.

Code Authority Bulletin No. 6 represents Part Two of the Code Authority report on Wages, Hours, Working Conditions, etc., of broadcast technicians required by Article VI, Section 4 of the Code. The Code Authority recommends that no changes be made in the wage and hourly provisions of the Code. The full text of the recommendations is as follows:

"SECTION D

"Recommendations

"The questionnaire on broadcast technicians discloses the following changes in the number of employees, hours of labor, and total weekly payrolls between the weeks ending July 1, 1933, and December 16, 1933:

1. During the week ending December 16, 11.9 per cent more technicians were employed than during the week ending July 1.
2. The average weekly hours of labor were 9.8 per cent less on December 16 than as of July 1.
3. The total weekly payrolls for the week ending December 16 were 21.1 per cent above the weekly payrolls for the week ending July 1.

"It should be noted that the broadcasting code became effective on December 11, 1933, and that the survey covered wages and number of employees during the first week the Code was in effect. The questionnaire disclosed that in some 135 stations the Code provisions apparently had not been made fully effective during this first week of the Code's operation. Most of these instances have since been cleared up with resulting increases in wages at 37 stations (see Section C of this Report). Nevertheless, the tabulation given above was based on results as they actually were during the week ending December 16, 1933. Had all of the adjustments since effected with the 37 stations been reflected in the answers to the questionnaire the percentage increase in total weekly payrolls would have been greater.

"It should further be noted that the increase in number of broadcast technicians employed between July, 1933, and December, 1933, is an increase not from a materially reduced level of employment but from a level not materially below the all time peak of employment of technicians in the Industry. The Industry at the present time employs more technicians than ever before in its history.

"It should further be noted that the effect of the Code so far as employment of Broadcast Technicians is concerned is practically identical with the forecast made by the National Association of Broadcasters at the Public Hearing last September.

"Therefore, since:

1. The effect of the Code has been to materially increase the employment of broadcast technicians, to materially shorten their hours, and increase their pay;
2. The full effect of this increase was not disclosed in the report but has been augmented by subsequent adjustments.
3. The Industry is now employing more technicians at greater aggregate salaries than ever before in the Industry's history.

"And since any further reduction in the hours of labor or any increase in the minmum wages paid broadcast technicians, in the opinion of the Code Authority, will oppress and may eliminate small radio broadcasting enterprises and will tend to promote monopolies, we recommend that no changes be made in the wage and hour provisions of the Code.

"(Approved by vote of 6 to 2. Voting yea—Baldwin, Buckwalter, Elmer, Runyon, Russell, Shepard 3rd. Voting nay—Nockels, Hedges. Absent—Kiernan, McCosker.)

"Respectfully submitted,

"CODE AUTHORITY FOR THE RADIO BROADCASTING INDUSTRY.

"By James W. Baldwin,

"Executive Officer."

Bulletin No. 7 contains additional interpretations of the trade practice provisions contained in Article VII.

The National Recovery Administration announced this week the appointment of Emily Holt to represent Radio Artists and Performers before the Code Authority for the Radio Broadcasting Industry.

The Executive Officer of the Code Authority reports that approximately two hundred stations have not yet supplied the information called for in Code Authority Bulletin No. 5. This information should be furnished to the Code Authority at once in order that final tabulation may be made for the National Recovery Administration. It is also reported that approximately two hundred stations have not yet supplied the information called for in the questionnaire concerning the admission of visitors to radio program performances. This matter is one which is receiving careful study by the Code Authority and complete information should be furnished promptly.

COPELAND BILL DEBATED

The Senate on Wednesday debated for a brief period the Copeland bill (S. 2800) to revise the food and drug act. The debate was brief and ended with a statement by Senator Copeland that he intended to exert every effort to have the Senate pass his bill before adjournment. At the present time it is impossible to predict when the bill will again come up in the Senate.

NO HEARINGS SET ON COPYRIGHT BILL

The subcommittee of the Senate Foreign Relations Committee in charge of the Cutting Bill to revise the copyright laws so the United States may enter the International Copyright Convention has not set a date for a hearing.

The subcommittee consists of Senators J. Ryan Duffy of Wisconsin, Frederick Van Nuys of Indiana and Simeon D. Fess of Ohio.

In the meantime, the proponents of this radical revision of the copyright laws have made public a letter from President Roosevelt to Robert Underwood Johnson as part of their campaign for the Cutting Bill. The President's letter follows:

"The White House, Washington

"April 25, 1934.

"My Dear Mr. Johnson:

"This is to acknowledge and to express appreciation for your letter of April 16, 1934, in which you advocate the ratification of the convention for the protection of literary and artistic works, which I sent to the Senate requesting advice and consent to adherence thereto on the part of the United States, on Feb. 19 of the present year.

"Needless to say, I fully concur in your sentiments and assure you that it would be most pleasing to me if, early in my administration, I should be empowered to make the United States a party to this convention.

"Sincerely yours,

"Franklin D. Roosevelt."

Besides establishing an automatic copyright in all published and unpublished works—including musical compositions—of American and foreign authors and composers, the Cutting Bill extends the copyright laws to "include the exclusive right of the author to communicate his work for profit to the public by any system of broadcasting; and the author of any copyrighted work, even after the assignment of the copyright in such work, shall at all times have the right to claim the authorship of his work, and the right to oppose every distortion, mutilation, or other modification of the said work which might be prejudicial to his honor or to his reputation, as well as the right to restrain the publication and/or the performance of the mutilated work."

The National Association of Broadcasters has asked the right to be heard in opposition to this measure and the views of the industry will be presented by Oswald F. Schuette, copyright advisor of the NAB.

PROGRESS IN ASCAP INVESTIGATIONS

The report of the Federal Trade Commission's investigation of the American Society of Composers, Authors and Publishers is now in the course of preparation, but no time has been fixed for its presentation to the Commission. The ASCAP investigations of the Departments of Justice are being continued. These inquiries

took a new turn as a result of the dismissal of ASCAP infringement suits by two Federal judges in Wisconsin and tbe abolition of the Baltimore officers of ASCAP. The ASCAP defeats in Wisconsin and Maryland were largely due to vigorous campaigns waged in those states by organizations of music users outside the ranks of the broadcasters.

The Maryland organization is the Music Users Protective Association of America, Inc., 110 East Lexington Street, Baltimore, Maryland.

The Wisconsin work was done by The American Society for the Advancement of Public Music, Inc., 739 N. Broadway, Milwaukee, Wisconsin.

The National Association of Broadcasters has filed a formal request with the NRA for the inclusion of provisions in the Music Publishers Code which will forbid unfair copyright practices.

Deputy John E. Williams bas promised that the broadcasters will have an opportunity to present tbeir complaint at the code hearing.

USE OF RICORDI MUSIC INCREASES

The program departments of the largest broadcasting stations, as well as of the networks, are making increased use of compositions by Puccini and other stars of the Ricordi catalogue, according to reports received by the Radio Program Foundation. This is the cooperative organization of the NAB created to obtain the right to perform music not heretofore available. The number of broadcasting stations now holding Ricordi sublicenses from the RPF stands at the 200 mark and the growing use of this music should increase the number of stations on the RPF list. Applications for licenses, by members as well as non-members of the NAB, should be sent to Oswald F. Schuette, President of the Radio Program Foundation, National Press Building, Washington, D. C.

NAB PROTESTS INCREASED WIRE COSTS

At the direction of the Board of Directors of the NAB, the Managing Director on May 16 addressed a letter to Deputy Administration Peebles of tbe NRA protesting against the inclusion in the telegraph communications code of a provision under which certain telegraph charges to business would be increased. Hearings on the telegraph code were held during the week.

ENGINEERING COMMITTEE MEETING

Managers and engineers of member stations of NAB are invited to attend an open meeting of the NAB Engineering Committee to be held at 4 P. M., Monday, May 28, in the LaFayette Room of the Benjamin Franklin Hotel, Philadelphia, Pa. The meeting is being held concurrently with the ninth annual convention of the Institute of Radio Engineers, May 28 to May 30.

The meeting, which will be informal, will include a review of tbe state of the art, and a discussion, open to all who attend, on the subject of High Fidelity Transmission of broadcast programs.

High Fidelity Transmission is of particular interest to broadcasting stations at the present time, in view of the plans of certain receiving set manufacturers to market high fidelity receiving sets next autumn.

COMMERCIAL SECTION MEETING JUNE 19-20

All NAB members are invited to attend the third annual meeting of the NAB Commercial Section to be held in connection with the Advertising Federation of America convention in New York, June 19-20. The meetings will be held at Hotel Pennsylvania.

The program for the meeting, as announced by Arthur B. Church, chairman of the Section, follows:

June 19.—10:00 a.m.—Open meeting with AAAA, ANA. 1:00 p.m.—Luncheon with Radio Committee AAAA. 3:00 p.m.—Executive session Commercial Committee.

June 20.—10:00 a.m.—Open meeting.

June 19.—10:00 a.m.—"Standardizing Units of Sale and Rate Practices Under the Code," James W. Baldwin.
"Studying Listener Habits," Walter J. Damm, WTMJ.
"What We Have Learned About Station Coverage," C. M. Jansky.
Discussion to be led by Martin Campbell.
Address by representative of AAAA Radio Committee on subject of a Cooperative Bureau for the Study of Station Coverage and Listener Interest.
"Suggested Standard Forms for Local Contracts," Roy Harlow, Yankee Network.
"The Present Trend of Station Relations with Advertising Agencies," Roy Harlow, Yankee Network.

June 20.—10.00 a.m. (Open Meeting). "Making a Program Work," Francis D. Bowman, Advertising Manager, Carborundum Company.
"Station Merchandising and the Radio Program," Harry C. Howlett, WHK.
"The Market for Radio Advertising," Dr. Herman S. Hettinger.
"Pertinent Problems in Radio Sales," Leslie Fox, WMCA.
"Studio Audiences—Yes or No?", Roy Witmer, WJZ.
"Are You Making a Profit and How Do You Know?," H. K. Carpenter, WPTF.
"Solving Relations of the Station and the Network," John Pratt, WGAR.

LICENSE RENEWAL NOTIFICATIONS

During tbe past week the Federal Radio Commission sent a letter to broadcasting stations stating tbat notifications of impending licenses expirations will no longer be mailed, as in the past, approximately 60 days in advance of expiration date. According to FRC rules, application for renewal license must be filed 60 days in advance of the expiration of the existing license.

The NAB has rendered a notification service to its members for tbe past several years, and will continue to do so.

THOMAS PATRICK CONVEY DIES

It is with profound regret that the NAB learned on Friday of the death of Thomas Patrick Convey, president of Tbomas Patrick Inc., owner and operator of Station KWK, St. Louis, Mo. Convey expired at 5 a. m. Friday, May 18. He had been active in NAB affairs for a number of years and was one of the pioneers of radio broadcasting. His many friends in the industry will always remember "Tom" for his genial smile, his affable manner, his frankness in discussion and his unbounded energy in the position which he so capably filled.

RECOMMENDS NEW PA. STATION

The Pittsburgh Radio Supply House, applied to the Radio Commission for a construction permit for the erection of a new broadcasting station at Greensburg, Pa., to use 620 kilocycles, 250 watts power and to operate 7 a. m. to local sunset. Ralph L. Walker(e) in Report No. 557 this week recommended that the application be granted.

The Examiner found that there is need for radio service in the community which the applicant proposes to serve "that the applicant is qualified in all respects to render that service; and that the service which it proposes will meet the need."

NAB MEMBERSHIP REACHES 341

With the approval of 73 new members by the Board of Directors at its meeting in Washington this week the NAB membership reacbed 341, the largest membership enrollment in the history of the Association.

GRAND ISLAND BILL PASSES HOUSE

The House of Representatives this week passed H. R. 9394 which authorizes the Federal Radio Commission to purchase and enclose additional land at the radio station at Grand Island, Nebr. The bill passed without discussion and, as it passed, reads as follows:

Be it enacted, etc., That the Federal Radio Commission is authorized to purcbase an additional tract of land containing approximately 10 acres adjacent to that now owned by the United States at Grand Island, Nebr., and to enclose the same for use in connection with the constant-frequency monitoring station located at said place. There is hereby authorized to be appropriated the sum of $1,200 to carry out the purposes of this act.

CHICAGO TRIBUNE SERIES ON F. R. C.

The Chicago Tribune is publishing a series of stories written by Arthur Sears Henning, cbief of the Tribune Washington Bureau, reviewing a number of cases decided by tbe Commission and alleging that political pressure has played an important part in rulings.

FRC COMPLETES MOVING

The Radio Commission now has its offices in the new Post Office Building, Pennsylvania Ave. at 12th Street N. W. The room numbers of some of the Commission officials are: Judge E. O. Sykes—6205 (sixth floor); Commissioner Thad Brown—6211; Commissioner Harold Lafount—6215; Commissioner James Hanley—6233; Hergert L. Pettey, Secretary—7115 (seventh floor); Dr. C. B. Jolliffe, Chief Engineer—7233; George B. Porter, General Counsel—7242; W. D. Terrell, Chief Radio Inspector—7338; William P. Massing, Chief, License Division—7213; Frank Wisner, Information and Press Service—7215.

The telephone number remains the same: District 1654.

MISSOURI VALLEY GROUP SUPPORTS NAB

The Missouri Valley Broadcasters Association held a meeting on May 9 which was attended by Stations KFAB, WOW, KMMJ, KFOR and WJAG. President Dirks presided.

A constitution and by-laws was read, discussed and accepted, first section by section, and then as a whole. Copies will be mailed later to all members. The only important change from last month's meeting was that monthly dues are to be one-fourth of the price of fifteen minutes' time over the member station, for one time, at the lowest rate, as printed in Standard Rate and Data.

President Dietrich Dirks reported having written the code authority asking for relief on technical salaries. He reported that Managing Director Loucks of the NAB had offered to attend one of our meetings at some future time.

John Henry, chairman, reported for the Committee on Preparation of Data. His first bulletin to agencies was read and approved. All members were asked to furnish the secretary with a list of the agencies they wished this bulletin to be mailed. The secretary is to prepare a master list and mail the bulletins and furnish each member with a copy of the master list.

John J. Gillin, Jr., chairman of the Legislation Committee, called attention to the Wagner-Hatfield Amendment to the Dill Bill. On motion made by Gillin, seconded by Harry Johnson, and carried, President Dirks was authorized to wire the Senators from Nebraska, Iowa and Kansas approving the stand of the NAB in protesting this amendment.

The next meeting will be held at the Hotel Cornhusker in Lincoln, on the second Wednesday in June, that is, June 13, at 10:30 a. m.

WESTERN BROADCASTERS URGE NAB AID

The Western Broadcasters Association annual meeting was held May 3rd, 4th, and 5th, at the Washington Athletic Club in Seattle.

A survey taken disclosed that a majority of members belonged to NAB and a suggestion was brought up that all members apply for enrollment under the National Association of Broadcasters.

Officers chosen for the new year included R. T. Evans, president; Rogan Jones and Harry Read; vice-presidents; Robert Priebe, secretary-treasurer, and Frank Hill, chairman executive committee.

The Association is composed of independent stations operating on 500 watts or less, in the Northwest territory. Hosts for the convention were the three Seattle stations, KPCB, KXA, and KRSC. Stations represented included KOOS, Marshfield, Ore.; KORE, Eugene, Oregon; KXL, Portland, Oregon; KIT, Yakima, Washington; KMO, Tacoma, Washington; KVOS, Bellingham, Washington; KXRO, Aberdeen, Washington, and KGBU, Ketchikan, Alaska.

FOREIGN STATIONS LISTED

A list of foreign radio broadcasting services on frequencies between 150 and 1500 kilocycles, as of May 1, 1934, has been compiled by the Bureau of Foreign and Domestic Commerce of the Department of Commerce. Copies are available for 25 cents, and may be obtained from the Electrical Division, Bureau of Foreign & Domestic Commerce, Department of Commerce, Washington, D. C.

The list specifies the old, rather than the new, frequencies for Mexican stations. It is interesting to note that of the 103 stations listed as operating in the U. S. S. R., 44 of them use 10 kilowatts or more. Many of them operate on frequencies less than 550 kilocycles.

SECURITIES ACT REGISTRATION

The following companies filed registration statements with the Federal Trade Commission under the Securities Act during the current week:

Yosemite Valley Railroad Company Second Mortgage Bondholders' Reorganization Plan and Agreement Committee, San Francisco, Calif. (2-870, Form D-1).

W. R. Duke, Wichita Falls, Texas (2-871, Form A-1).

Bob Tough Gold Mines, Ltd., Hamilton, Ontario (2-872, Form A-1).

Bondholders' Protective Committee Ohio Building Realty Company, Cleveland, Ohio (2-873, Form D-1).

Jones Cold Storage Corporation, Norfolk, Va. (2-874, Form D-2).

Milwaukee-Kimball Business Block Building Corporation, Chicago, Ill. (2-875, Form D-2).

American Participations, Inc., Atlanta, Ga. (2-876, Form A-1).

Trinidad International Petroleum, Limited, Los Angeles, Calif. (2-877, Form A-1).

Gold Lode Mines, Inc., Los Angeles, Calif. (2-878, Form A-1).

Protective Committee, 257 West Thirty-ninth Street Building, New York City (2-879, Form D-1).

FEDERAL RADIO COMMISSION ACTION HEARING CALENDAR

Wednesday, May 23, 1934

Oral Argument Before Commission En Banc

Examiner's Report No. 541

KROW—Educational Broadcasting Corp., Oakland, Calif.—Modification of license, **930 kc.**, 500 watts, 1 KW LS, unlimited time (facilities of KFWI). Present assignment, **930 kc.**, 500 watts, 1 KW LS; shares with KFWI.

KQW—Pacific Agricultural Foundation, San Jose, Calif.—C. P., **1010 kc.**, 500 watts, 1 KW LS, unlimited time (facilities of KFWI). Present assignment, **1010 kc.**, 500 watts, unlimited time.

KJBS—Julius Brunton & Sons Co., San Francisco, Calif.—C. P., **1070 kc.**, 500 watts, 12:01 a. m. to LS (facilities of KFWI). Present assignment, **1070 kc.**, 100 watts, 12:01 a. m. to LS.

APPLICATIONS GRANTED

First Zone

WHDL—Tupper Lake Broadcasting Co., Inc., Tupper Lake, N. Y.—Granted modification of C. P. extending commencement date to May 15 and completion date to June 30, 1934.

WMEX—The Northern Corp., Chelsea, Mass.—Granted modification of C. P. to extend completion date to July 20.

WQDM—A. J. St. Antoine and E. J. Regan, St. Albans, Vt.—Granted C. P. to move transmitter and studio locally.

WNEL—Juan Piza, San Juan, P. R.—Granted modification of C. P. to change authorized location of transmitter locally in San Juan, and extend completion date to 90 days after this date.

WNBH—Irving Vermilya, d/b as New Bedford Broadcasting Co., New Bedford, Mass.—Granted consent to voluntary assignment of license to E. Anthony & Sons, Inc.

WHN—Marcus Loew Booking Agency, New York—Granted modification of license to make changes in equipment and increase power from 250 to 1 KW.

WATR—Harold Thomas, Waterbury, Conn.—Granted modification of C. P. to change transmitter and studio locally in Waterbury, Conn.

Second Zone

WKZO—WKZO, Inc., Kalamazoo, Mich.—Granted C. P. to move transmitter to Kalamozoo Township Michigan; make changes in equipment increase power from 1 KW day only to 1 KW day, 250 watts night, and increase hours of operation from daytime to unlimited. (Comr. Lafount voted to set application for hearing.)

Third Zone

KLRA—Arkansas Broadcasting Co., Little Rock, Ark.—Granted C. P. to install new equipment and increase daytime power from 1 KW to 2½ KW.

KARK—Arkansas Radio and Equipment Co., Little Rock, Ark.—Granted modification of license to increase daytime power from 250 to 500 watts.

WPTF—WPTF Radio Company, Raleigh, N. C.—Granted modification of C. P. to extend completion date to August 17, 1934.

WDNC—Durham Radio Corp., Durham, N. C.—Granted license covering move of station from Wilmington, to Durham; changes in equipment and change in frequency from **1370** to **1500 kc.**; 100 watts, unlimited.

Fourth Zone

WHAD—Marquette University, Milwaukee, Wis.—Granted consent to voluntary assignment of license to American Radio News Corp.

WCAL—St. Olaf College, Northfield, Minn.—Granted C. P. to change equipment and increase day power from 1 KW to 2½ KW.

Fifth Zone

KFBL—Leese Brothers, Everett, Wash.—Granted consent to voluntary assignment of license to Lee E. Mudgett.

KVL—KVL, Inc., Seattle, Wash.—Granted license **1370 kc.**, 100 watts, S-KFBL, covering local move of transmitter and studio.

KGY—KGY, Inc., Olympia, Wash.—Granted special experimental authority for additional specified hours during the period of existing license.

KQW—Pacific Agricultural Foundation, Ltd., San Jose, Cal.—Granted C. P. to move transmitter and studio locally in San Jose.

KMED—Mrs. W. J. Virgin, Medford, Ore.—Granted C. P. to install new equipment and increase daytime power from 100 to 250 watts.

SPECIAL AUTHORIZATIONS GRANTED

WKBV—Knox Battery & Electric Co., Richmond, Ind.—To operate from 10 a. m. to 12 noon; 6 to 10 p. m., Central Daylight Saving Time, instead of CST, daily, except Sunday, for the period beginning May 13 and during the period Daylight Saving Time applies but in no event later than 3 a. m., EST, July 1, 1934.

WSGN—R. B. Broyles Furniture Co., Birmingham, Ala.—To operate station without approved frequency monitor for a period not to exceed 15 days.

WFAS—Westchester Broadcasting Corp., White Plains, N. Y.—To operate simultaneously with station WJBI from 8:30 to 11 p. m., EDST, May 18.

WTAQ—Gillette Rubber Co., Eau Claire, Wis.—To remain silent from 2 to 4:30 p. m., CST, during months of June, July and August.

WJJD—WJJD, Inc., Mooseheart, Ill.—To operate with reduced power of 10 KW using 4 instead of 8 RCA-UV-207 vacuum tubes in last radio stage, for period May 18 to May 25.

WEBR—Howell Broadcasting Co., Inc., Buffalo, N. Y.—To remain silent May 30, 1934.

WEW—The St. Louis University, St. Louis, Mo.—Authorized to discontinue operation, with exception of broadcasting all government reports, for period beginning June 15, and ending August 1.

KWSC—State College of Washington, Pullman, Wash.—Authorized to reduce hours of operation to specified as follows: daily, except Sundays, Thursdays and holidays, from 6 to 10 p. m., and Thursdays from 6 to 7:30 p. m., PST, for period beginning June 1, and ending September 30, 1934.

KFJB—Marshall Electric Co., Inc., Marshalltown, Ia.—Authorized to operate from 9 a. m. to 12 noon; 3 to 6 p. m., and 9 p. m. to 12 midnight, CST, on June 1, 2, 3 and 4.

ACTION ON EXAMINERS' REPORTS

KOIN—Ex. Rep. No. 523: KOIN, Inc., Portland, Ore.—Granted C. P. to increase power from 1 KW day and night to 1 KW night, 2½ KW LS, on **940 kc.**, reversing Examiner Ralph L. Walker. Order effective May 25, 1934.

KFAC—Ex. Rep. No. 537: Los Angeles Broadcasting Co., Inc., Los Angeles, Cal.—Granted modification of license to increase hours of operation from one-half time to unlimited on **1300 kc.**, 1 KW power, sustaining Examiner Geo. H. Hill. Order effective June 1, 1934.

WALA—(Formerly WODX)—Ex. Rep. No. 548: Pape Broadcasting Corp., Inc., Mobile, Ala.—Granted modification of license to change frequency from **1410 kc.** to **1380 kc.**; change hours of operation from simultaneous day with WSFA, sharing night with WSFA, to unlimited; 500 watts. Examiner Geo. H. Hill, sustained. Order effective June 8, 1934.

ORAL ARGUMENTS GRANTED

The Commission, en banc, will hear oral arguments on June 13, 1934, beginning at 10 a. m., in re Ex. Rep. No. 551, involving Stations WGES, Chicago, and WCBD, Zion, Ill., and arguments on June 20, 1934, in re Ex. Rep. 549, involving stations WMBD, Peoria, Ill., and WTAD, Quincy, Ill.

SET FOR HEARING

WMMN—A. M. Rowe, Inc., Fairmont, W. Va.—Renewal of license.

NEW—Arde Bulova and Norman K. Winston, Brooklyn, N. Y.—C. P. for new station, exact transmitter location to be determined; studio—376 Fulton St., Brooklyn; frequency **1400 kc.**, 500 watts; unlimited time. Facilities WARD, WBBC, WLTH and WVFW.

NEW—Martin C. McIntyre, Bradford, Pa.—C. P. for new station at Bradford, Pa. **1420 kc.**, 100 watts; unlimited time.

NEW—The Herald Publishing Co., Denison, Tex.—C. P. for new station at Denison, Tex; **880 kc.**, 100 watts; daytime.

KGKO—Wichita Falls Broadcasting Co., Wichita Falls, Tex.—Special experimental authority to change frequency from **570** to **1380 kc.**, and increase power from 250 watts night, 500 watts LS, to 500 watts night 1 KW-LS, experimentally.

MISCELLANEOUS

KSO—Iowa Broadcasting Co., Des Moines, Ia.—Set for hearing application for modification of license to authorize full time operation on **1320 kc.**, 250 watts, and suspended grant made April 20, 1934, because of protest filed May 8, by Allen T. Simmons, Station WADC, Akron, Ohio.

KFGG—Boone Biblical College, Boone, Ia.—Set for hearing application for modification of license to operate on **1370 kc.**, 100 watts, specified hours, and suspended grant made April 20, 1934, because of protest filed May 8, 1934, by WADC, Akron, Ohio.

WHAD—Marquette University, Milwaukee, Wis.—Application for voluntary assigning of license to WHAD, Inc., heretofore designated for hearing, was dismissed at request of applicant.

WKZO—WKZO, Inc., Kalamazoo, Mich.—Reconsidered action taken on May 15, granting C. P. to move transmitter to Kalamazoo Township, Michigan; make changes in equipment, increase power from 1 KW day only, to 1 KW day, 250 watts night, and increase hours of operation from daytime to unlimited, and designated application for hearing.

RATIFICATIONS

(Action taken May 14)

WOR—Bamberger Broadcasting Service Inc., Newark, N. J.—Granted modification of C. P. approving transmitter location at Carterat, N. J.

KTRH—KTRH Broadcasting Co., Houston, Tex.—Granted modification of license to change frequency from **1120 kc.** to **1330 kc.**; increase power from 500 watts to 1 KW, and change hours of operation from sharing with WTAW to unlimited.

(Action taken May 16)

WHET—John T. Hubbard and Julian C. Smith, d/b, Troy Broadcasting Co., Dothan, Ala.—Granted special temporary authority to operate from 6:30 p. m. to 12 midnight, CST, May 16, and from 6:45 to 12 midnight, CST, June 6 and 11.

APPLICATIONS DISMISSED

WJBI—Monmouth Broadcasting Co., Red Bank, N. J.—Special experimental authority heretofore designated for hearing, was dismissed at request of applicant.

WFAS—Westchester Broadcasting Corp., White Plains, N. Y.—Special experimental authority heretofore designated for hearing, was dismissed at request of applicant.

KOL—Seattle Broadcasting Co., Inc., Seattle, Wash.—C. P., heretofore set for hearing, was dismissed at request of applicant.

KGA—Louis Wasmer, Spokane, Wash.—Renewal of license designated for hearing, was dismissed because KOL withdrew its application for KGA's facilities.

APPLICATIONS RECEIVED

First Zone

WTBO—Associated Broadcasting Corp., Cumberland, Md.—Construction permit to install new equipment; change frequency from **1420** to **800 kc.**; change power and time from 100 watts, 250 watts-LS, unlimited to 250 watts, day.

NEW—Plattsburg Broadcasting Corp., Plattsburg, N. Y.—Construction permit to erect new station to operate on **1310 kc.**, 100 watts, power, daytime; to be considered under Rule 6(g).

Second Zone

None.

Third Zone

WNRA—Muscle Shoals Broadcasting Corporation, Muscle Shoals City, Ala.—Modification of license to change time and power from 100 watts, day, to 100 watts (day and night), unlimited. Facilities Station WAMC. *Amended* to omit request for facilities WAMC; now requests consideration under Rule 6.

KTRH—KTRH Broadcasting Co., Houston, Tex.—Modification of license to change frequency from **1120** to **1330 kc.**, and increase power from 500 watts to 1 kw. and S-WTAW to unlimited time.

Fourth Zone

WHAD—Marquette University, Milwaukee, Wis.—Consent to voluntary assignment of license to American Radio News Corporation.

Fifth Zone

KALE—Kale, Inc., Portland, Ore.—Authority to install automatic frequency control equipment.

KGER—Consolidated Broadcasting Corp., Ltd., Long Beach, Calif.—Construction permit to make equipment changes and move transmitter locally to northwest corner 31st & San Francisco Sts., Long Beach, Calif.

KGB—Don Lee Broadcasting System, San Diego, Calif.—Construction permit to increase power from 1 KW to 1 KW, 2½ KW LS; also install new equipment; request consideration under Rule 6 (g).

APPLICATIONS RETURNED

NEW—Isaac N. Adickes, Jr. and Landon, Neal., Huntsville, Tex.—Construction permit to erect new station to operate on **1310 kc.**, power of 100 watts, unlimited time (Rule 6; Sections incomplete; transmitter site).

NEW—W. L. Gleeson, Salinas, Calif.—Construction permit to erect new station to operate on **1490 kc.**; power of 5 kw., unlimited time; *amended* to request **1210 kc.**, 100 watts (Rule 6, transmitter site, jurat).

NEW—Lucien R. Gruss, Cleveland, Ohio—Construction permit to erect new station to operate unlimited time with power of 100 watts, but failed to specify frequency desired. (Rule 6: antenna; transmitter site.)

WIBW—Topeka Broadcasting Assn., Inc., Topeka, Kans.—Authority to install automatic frequency control equipment. (Signature.)

WWAE—Hammond-Calumet Broadcasting Corp., Hammond, Ind.—Construction permit to install new equipment. (Incomplete.)

NEW—W. L. Gleeson, Sacramento, Calif.—Construction permit to erect new station to operate on **1490 kc.**, power of 5 kw, unlimited time, on an experimental basis (Incomplete).

The National Association of Broadcasters

NATIONAL PRESS BUILDING ★ ★ ★ ★ ★ WASHINGTON, D. C.

PHILIP G. LOUCKS, Managing Director

NAB REPORTS

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MAY 26, 1934

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RAYBURN BILL CONSIDERED

The House Committee on Interstate and Foreign Commerce will resume consideration of the Rayburn bill (H. R. 8301) in executive session next Monday. Prospects are that the Committee will report the measure Monday or Tuesday in the hope that it can come up for action by the House at an early date.

The Rayburn bill, in the form introduced, does not change the present radio law but places its administration under the Communications Commission which the bill would create. In this respect the bill differs from the Dill bill, which has already passed the Senate. The Dill bill contains several undesirable amendments and it is probable that these will be considered in the conference on the measure.

An amendment, similar to the Wagner-Hatfield proposal which was defeated in the Senate, has been submitted to the House Interstate Committee and is being considered by that body. Should the Committee refuse to act favorably on the 25 per cent amendment it is very probable that a fight to have it adopted by the House will be made by either Congressman Rudd of New York or Congressman Maloney of Connecticut.

The NAB has favored the Rayburn bill in its original form but is opposed to any broadcasting amendments. The danger that amendments might be adopted caused the NAB to send a telegram to all members asking that they contact their Congressmen and make known the fact that the industry opposed any change in the present radio law.

The NAB will keep its members advised of every development in the legislative situation and all have been urged to act immediately upon telegraphic information.

DILL TO OPPOSE COPYRIGHT BILL

The Duffy subcommittee of the Senate Committee on Foreign Relations has set Monday and Tuesday, May 28-29, for hearings on the question of adherence by the United States, in the International Copyright Union—better known as the Rome Convention. At the same time the Committee will consider the Cutting bill—S. 1928—which contemplates a fundamental revision of the Copyright Law to enable the United States to become a party to that Convention.

Chairman Duffy's announcement of the hearing follows:

"A Sub-Committee of the Senate Foreign Relations Committee, consisting of Senators Simeon D. Fess, Frederick Van Nuys and F. Ryan Duffy, has been selected to consider the question of the adherence by the United States to the International Convention of the Copyright Union as revised and signed at Rome on June 2, 1928, together with a bill by Senator Cutting, S. 1928.

"A hearing will be held on these matters in the Committee Room of the Senate Foreign Relations Committee at the Capitol, on May 28th and 29th, 1934, from 10 a. m. until 12 noon on each day.

"The proponents of adherence to this treaty and to the enabling legislation will be heard on May 28th, and the opponents on May 29th.

"Those appearing should by agreement among themselves make an allotment of time. In case of a disagreement the Committee will arbitrarily allot same among those present and desiring to be heard."

The chief speaker in opposition to the proposal will be Senator Dill, Chairman of the Senate Interstate Commerce Committee and a member of the Senate Patents Committee.

Oswald F. Schuette, copyright advisor of the National Association of Broadcasters, will also be one of Tuesday's witnesses against the bill which—in addition to establishing automatic copyright in unpublished as well as published works—provides an important extension of copyrights in the broadcasting field. Before the Cutting bill can become a law, it has to pass both Houses of Congress—an unlikely prospect at the present stage of the session. Should the bill not be passed by both Houses before the end of the present session, it would have to be re-introduced when Congress convenes in January, 1935.

The resolution to adhere to the Rome Convention, however, requires passage by the Senate only, but must receive a two-thirds majority in that body.

If such a resolution of adherence is passed, it will not change the Copyright laws, but will impose a moral obligation of the Congress of the United States to adopt the necessary amendments to these statutes to provide for automatic copyright.

ARE YOU MAKING A PROFIT?

"Are You Making a Profit and How Do You Know?" will be the subject of a talk to be given by H. K. Carpenter, WPTF, Raleigh, N. C., chairman of the NAB Cost Accounting Committee, at the annual meeting of the NAB Commercial Section to be held at Hotel Pennsylvania, New York, N. Y., June 19 and 20 in connection with the annual meeting of the Advertising Federation of America. Arthur B. Church, KMBC, Kansas City, Mo., chairman of the Committee, will preside.

"Standardizing Units of Sale and Rate Practices Under the Code" will be the subject of a talk to be given by James W. Baldwin, executive officer of the Code Authority for the Radio Broadcasting Industry.

The meeting is open to all NAB members and all who can are invited to attend the meeting.

ENGINEERS MEET MONDAY

Many broadcasting station engineers have planned to attend the open meeting of the NAB Engineering Committee to be held, concurrently with the I. R. E. Convention, in the LaFayette Room of the Benjamin Franklin Hotel, Philadelphia, Monday, May 28, 1934.

The session will be devoted to an open discussion of problems confronting the broadcasting stations in the transmission of high fidelity programs.

NRA NEWS SERVICE RESUMED

W. B. Dolph, chief, radio division of the Bureau of Public Relations of the NRA, announced this week that the NRA radio news service recently discontinued has been resumed. Numerous requests for continuance of the service had been received and the service was resumed on the basis of these requests.

ORDER PROTECTS INFORMERS

President Roosevelt has issued an executive order giving complete protection in their jobs to employees who make complaints or give information concerning alleged code violations on the part of their employers.

The order decrees that no employer subject to a code shall dismiss or demote any employee for making a complaint or giving evidence with respect to code violations under penalty of a $500 fine or six months imprisonment, or both.

In numerous cases before the National Labor Board, employees have charged that their employers have demoted or otherwise penalized them for making complaints or giving testimony regarding alleged code violations.

The President's order reads as follows:

EXECUTIVE ORDER

"By virtue of and pursuant to the authority vested in me under title I of the National Industrial Recovery Act of June 16, 1933 (ch. 90, 48 Stat. 195), and in order to effectuate the purposes of said title, I hereby prescribe the following rule and regulation:

"No employer subject to a code of fair competition approved under said title shall dismiss or demote any employee for making a

complaint or giving evidence with respect to an alleged violation of the provisions of any code of fair competition approved under said title.

"All persons are hereby informed that section 10(a) of the National Industrial Recovery Act prescribes a fine not to exceed five hundred dollars ($500) or imprisonment not to exceed six (6) months, or both, for the violation of any rule or regulation prescribed under the authority of said section 10(a).

(Signed) FRANKLIN D. ROOSEVELT."

The White House,
May 15, 1934.

BROADCASTING CONTROL DISCUSSED

Supporters of the American system of broadcasting had the better of the discussion of the question "To What Extent Does Radio Broadcasting in the United States Need Public Regulation?" at the ninth annual meeting of the American Association for Adult Education held in Washington this week. The discussion was led by Harry A. Overstreet, professor of philosophy of the College of the City of New York. Those who participated in the panel discussion were Lucy Wilcox Adams, acting director, California Association for Adult Education; Henry Adams Bellows, vice president, Columbia Broadcasting System; William Hard, journalist; Joy Elmer Morgan, editor of the Journal of the National Education Association; Felix Morley, editor, Washington, D. C., Post; and Levering Tyson, director of the National Advisory Council on Radio in Education.

SECURITIES ACT REGISTRATION

The following companies filed registration statements with the Federal Trade Commission under the Securities Act during the current week:

Haddam Distillers Corporation, Moodus, Conn. (2-880, Form A-1)
Naybob Gold Mines, Ltd., Rochester, N. Y. (2-881, Form A-1)
Pacific Investors, Inc., Los Angeles, Cal. (2-882, Form A-1)
Republic Distillers, Inc., Cincinnati, Ohio (2-883, Form A-1)
Canal & Royal Realty Corp., New Orleans, La. (2-884, Form D-2)
Sam Tavalin and others, Chicago, Ill. (2-885, Form D-1)
Atascadero Mining Company, Atascadero, Cal. (2-886, Form A-1)
Ozark Shoe Company, Webb City, Mo. (2-887, Form A-1)
W. W. Whitecotton Realty Corp. Bondholders Committee, San Francisco, Cal. (2-888, Form D-1, Part II.)
Superior-Boulevard Apartments First Mortgage Bondholders' Committee, Chicago, Ill. (2-889, Form D-1)
Salmon P. Halle and others, Cleveland, Ohio. (2-890, Form F-1)
Landowners' Oil Association, Tulsa, Okla. (2-891, Form A-1)
Bill-O-Type Corporation, St. Louis, Mo. (2-892, Form A-1)
Bondholders' Protective Committee of Stockton Medico-Dental Building, San Francisco, Cal. (2-893, Form D-1)
Contract & Investment Company, Detroit, Mich. (2-894, Form D-2)
Protective Committee for Holders of Hebrew Benevolent Congregation First Lien Serial Bonds, New Orleans, La. (2-895, Form D-1)
Bondholders' Protective Committee of Canadian Rail and Harbor Terminals, Ltd., Toronto, Canada (2-896, Form D-1)
Pacific Northwest Company, Portland, Ore. (2-897, Form A-1)
Poundmaker Gold Mines, Ltd., Ottawa, Canada (2-898, Form A-1)
Mancos Gold Mining Company, Denver, Colo. (2-899, Form A-1)

FEDERAL RADIO COMMISSION ACTION

HEARING CALENDAR

Thursday, May 31, 1934

WBAA—Purdue University, West Lafayette, Ind.—Modification of license, **1400 kc.**, 500 watts, 1 KW LS, S. H. (facilities WKBF). Present assignment: **1400 kc.**, 500 watts, S. H.

WKBF—Indianapolis Broadcasting, Inc., Indianapolis, Ind.—Renewal of license, **1400 kc.**, 500 watts, S. H. Also modification of license to acquire unlimited time (facilities WBAA).

Friday, June 1, 1934

NEW—S. George Webb, Newport, R. I.—C. P., **1200 kc.**, 100 watts, 250 watts LS, unlimited time.

NEW—Rev. C. C. Morris, Ada, Okla.—C. P., **1200 kc.**, 100 watts, daytime.

APPLICATIONS GRANTED

First Zone

WSAR—Doughty & Welch Electric Co., Inc., Fall River, Mass.—Granted license covering move and changes in equipment; **1450 kc.**, 250 watts, unlimited time.

WCNW—Arthur Faske, Brooklyn, N. Y.—Granted modification of C. P. extending commencement date to May 1, 1934, and completion date to July 14, 1934.

WLNH—Northern Broadcasting Co., Laconia, N. H.—Granted modification of C. P. for approval of transmission and studio sites in Laconia, changes in equipment, and extension of completion date to September 2, 1934.

WQDM—A. J. St. Antoine and E. J. Regan, St. Albans, Vt.—Granted consent to voluntary assignment of license to E. J. Regan and F. Arthur Bostwick, d/b as Regan and Bostwick

Second Zone

WIBM—WIBM, Inc., Jackson, Mich.—Granted license covering local move and changes in equipment; **1370 kc.**, 100 watts, specified hours.

WJIM—Capital City Broadcasting Co., Lansing, Mich.—Granted modification of C. P. to extend commencement date to June 20 and completion date to August 22, 1934.

Third Zone

WSFA—Montgomery Broadcasting Co., Inc., Montgomery, Ala.—Granted modification of license to change hours of operation from simultaneous day with WODX, sharing night, to unlimited.

WJEM—Britt A. Rogers, Jr., Tupelo, Miss.—Granted modification of C. P. extending commencement date to immediately and completion date to August 1, 1934.

WENC—Americus Broadcast Corp., Albany, Ga.—Granted modification of C. P. extending completion date to July 5, 1934.

Fourth Zone

WMBH—W. M. Robertson, Joplin, Mo.—Granted consent to voluntary assignment of license to Joplin Broadcasting Co.

Fifth Zone

NEW—Oregon Radio, Inc., Salem, Ore.—Granted C. P. for new station; **1370 kc.**, 100 watts, daytime. Facilities: half of those assigned to Station KOOS.

KOL—Seattle Broadcasting Company, Seattle, Wash.—Granted C. P. to move transmitter locally in Seattle, and make changes in equipment. Application to increase day power from 1 KW to 2½ KW set for hearing.

KWYO—Big Horn Broadcasting Co., Sheridan, Wyo.—Granted modification of C. P. to make changes in equipment.

KFXD—Frank E. Hurt, Nampa, Idaho—Granted renewal of license, **1200 kc.**, 100 watts, unlimited time. Application for this station's facilities was dismissed at request of applicant.

SET FOR HEARING

WBNX—Standard Cahill Co., Inc., New York—Renewal of license set for hearing to determine the nature and character of services rendered and the programs broadcast; and to determine if the continued operation of this station would serve public interest, convenience, and necessity.

NEW—General Television Corp., Boston, Mass.—C. P. (Exp. Exp.-Broadcast Service), **1570 kc.**, 500 watts, unlimited time. To be heard before Commission en banc on June 27.

WEBR—Howell Broadcasting Co., Buffalo, N. Y.—C. P. to move transmitter and studio to Lackawanna, N. Y., make changes in equipment, change frequency from **1310 kc.** to **630 kc.**, and increase power from 100 watts night, 250 watts day, to 500 watts.

NEW—Delbert E. Replogle, in Boston area—C. P. (Exp. Broadcast), **1570 kc.**, 1 KW. To be heard by the Commission en banc on June 27.

NEW—Samuel Nathaniel Morris, Stamford, Tex.—C. P., **1420 kc.**, 100 watts, specified hours: 6 to 8 a. m., 10 a. m. to 12:15 p. m., 2 to 4 p. m., 7:30 to 9:45 p. m.; facilities of KFPL.

WCNW—Arthur Faske, Brooklyn, N. Y.—Modification of C. P. to make changes in equipment and increase day power from 100 to 250 watts.

WDAE—Tampa Times Co., Tampa, Fla.—Special experimental authority to make changes in equipment and increase day power to 2½ KW for period ending October 1, 1934.

WHB—WHB Broadcasting Co., Kansas City, Mo.—Special experimental authority to change frequency from **860 kc.** to **1120 kc.**, and operate from sunset to midnight (except when WTAW is operating) with 500 watts power. (Normally licensed **860 kc.**, 500 watts, daytime.)

ACTION ON EXAMINER'S REPORT

KROW—Ex. Rep. No. 541: Educational Broadcasting Corp., Oakland, Calif.—Granted modification of license to change hours of operation from sharing with KFWI to unlimited. To operate on **930 kc.**, 500 watts night, 1 KW day. Order effective June 1, 1934. Examiner R. L. Walker sustained.

KWQ—Pacific Agricultural Foundation, Ltd., San Jose, Calif.—Dismissed application for C. P. to make changes in equipment and increase daytime power from 500 watts to 500 watts night, 1 KW day; **1010 kc.**, unlimited time; sustaining Examiner Walker.

KJBS—Julius Brunton & Sons Co., San Francisco, Calif.—Granted C. P. to make changes in equipment and increase power from 100 watts day to 500 watts day, **1070 kc.**, 12:01 a. m. to LS. Order effective June 1, 1934. Examiner Walker reversed. (KFWI's facilities in quota units.)

SPECIAL AUTHORIZATIONS

WHDF—The Upper Michigan Broadcasting Co., Calumet, Mich.—To operate from 6:30 to 9:30 p. m., CST, May 24, and from 6:30 to 8:30 p. m., CST, June 5, 1934.

KFJB—Marshall Electric Co., Inc., Marshalltown, Iowa—To operate from 9 p. m. to 12 midnight, CST, May 27.

KFDY—South Dakota State College, Brookings, S. Dak.—To remain silent May 30, 1934.

WCAT—South Dakota State School of Mines, Rapid City, S. Dak.—To remain silent from June 1 for a period ending not later than September 10, 1934.

KWWG—Frank P. Jackson, Brownsville, Tex.—Extension of special temporary authority to remain silent for period beginning June 2 and pending decision of the Commission upon certain applications affecting the status of KWWG, but not later than August 1, 1934.

KGFF—KGFF Broadcasting Co., Inc., Shawnee, Okla.—To reduce hours of operation to specified, as follows: 7:30 a. m. to 1:15 p. m., and 5 to 9:15 p. m., CST, daily, for period ending July 1, 1934.

WAAF—Drovers Journal Publishing Co., Chicago, Ill.—To remain silent pending rebuilding of transmitter and studios which were destroyed by fire, for period ending not later than September 1, 1934.

WSFA—Montgomery Broadcasting Co., Inc., Montgomery, Ala.—To operate simultaneously with Station WALA from 6:45 p. m. to 12 midnight, CST, May 25, with power of 250 watts.

WALA—Pape Broadcasting Corp., Inc., Mobile, Ala.—To operate simultaneously with WSFA from 6:45 p. m. to 12 midnight, CST, May 25, with power of 250 watts.

KFDY—South Dakota State College, Brookings, S. Dak.—To operate from 8:15 to 9:15 p. m., CST, May 28 and June 4.

WMBH—W. M. Robertson, Joplin, Mo.—To operate from 2:30 to 3:30 p. m., CST, June 3, 10, 17, and 24.

WCAC—Connecticut State College, Storrs, Conn.—To operate from 9:30 to 10:45 a. m., EST, June 11, provided WICC remains silent; also to remain silent beginning 10:45 a. m., EST, June 11, and ending not later than 3 a. m., EST, September 1, 1934.

WBNO—Coliseum Place Baptist Church, New Orleans, La.—Extended special temporary authority to operate on **1200 kc.**, 100 watts, sharing time equally with WJBW for period beginning 3 a. m., EST, June 1, and ending pending hearing and decision on applications now pending affecting said station, but not later than 3 a. m., EST, December 1, 1934.

KFDY—South Dakota State College, Brookings, S. Dak.—To operate from 2 to 2:30 p. m., CST, June 16, in order to broadcast speech by President of Farm Bureau Federation; and from 2 to 3 p. m., CST, June 29; denied authority to operate from 7 to 9 p. m., CST, June 3 and 8.

WILL—University of Illinois, Urbana, Ill.—To operate simultaneously with KFNF from 5 to 5:15 p. m., CST, June 10; also granted authority to remain silent for period beginning 3 a. m., June 1, and ending in no event later than 3 a. m., EST, September 1, 1934, except from 11 p. m. to 12 midnight, CST, June 4; from 4 to 5:15 p. m., CST, June 10; and from 9 a. m. to 12:30 p. m., CST, June 11.

WSYB—Philip Weiss Music Co., Rutland, Vt.—To operate from 11 a. m. to 12 noon, EST, June 3, 10, 17, and 24; and from 1 to 1:30 p. m., EST, June 2, 9, 16, 23, and 30.

WSUI—State University of Iowa, Iowa City, Iowa—To operate from 10 p. m. to 12 midnight, CST, June 1, and from 10 to 11 a. m., CST, June 4.

WALA—Pape Broadcasting Corp., Inc., Mobile, Ala.—To operate station without approved frequency monitor for period not to exceed 4 weeks.

WICC—Southern Connecticut Broadcasting Corp., Bridgeport, Conn.—To operate Monday to Friday, inclusive, from 12:30 to 1 p. m.; Wednesday, 4:30 to 5 p. m., EST, for period June 11 to July 11, 1934.

WFBM—Indianapolis Power & Light Co., Indianapolis, Ind.—Extended temporary authority to use 50-watt portable transmitter between 12 midnight and 6 a. m., CST, for period beginning May 30 and ending July 9, 1934.

WSMK—Stanley M. Krohn, Jr., Dayton, Ohio—Extended special temporary authority to operate simultaneously with KQV from 8 p. m. to 12 midnight, EST, for period June 1 to June 30, 1934.

KQV—KQV Broadcasting Company, Pittsburgh, Pa.—Extended special temporary authority to operate simultaneously with Station WSMK from 8 p. m. to 12 midnight, EST, for period June 1 to June 30, 1934.

WSFA—Montgomery Broadcasting Co., Inc., Montgomery, Ala—To operate simultaneously with Station WALA from 7 p. m. to 12 midnight, CST, June 3 to 8, 1934, with reduced power of 250 watts.

WALA—Pape Broadcasting Corp., Inc., Mobile, Ala.—To operate simultaneously with WSFA from 7 p. m. to 12 midnight, CST, June 3 to 8, with reduced power of 250 watts.

WSFA—Montgomery Broadcasting Co., Inc., Montgomery, Ala.—To operate from 7 p. m. to 12 midnight, CST, June 8 to 12, inclusive.

MISCELLANEOUS

Mayor and Board of Aldermen, Newport, R. I.—Granted petition to intervene and be a party to hearing of application of S. George Webb for C. P. for new station at that place.

KFH—Radio Station KFH, Inc., Wichita, Kans.—Ordered modification of license to increase hours of operation from sharing with WOQ to unlimited, effective June 14, 1934, in keeping with mandate of Court of Appeals of D. C. affirming decision of Commission of June 23, 1933.

WOQ—Unity School of Christianity, Kansas City, Mo.—Notified it must cease operation at 3 a. m., EST, June 14, 1934, in keeping with mandate of Court of Appeals of D. C. affirming decision of Commission of June 23, 1933.

RULE 419b AMENDED

Primarily to provide additional frequencies for point-to-point radio telephone service in Alaska, at the request of the Chief Signal Officer the Commission amended Rule 419b to read as follows:

"Primarily for short-distance communication between Government and non-Government stations, provided the maximum power shall not exceed 100 watts and upon the condition that no interference will result to other services, types A-1, A-2, and A-3 emission:

"2616 kc.	2994 kc.	5137.5 kc. day only
2632 kc.	3092.5 kc.	5167.5 kc. day only
2912 kc.	3190 kc.	5207.5 kc. day only
2986 kc.	3263 kc."	

The Commission believes this change in the rules will not adversely affect any other station or service.

APPLICATIONS DISMISSED

KOL—Seattle Broadcasting Co., Inc., Seattle, Wash.—Special experimental authority, **660 kc.**, 1 KW, unlimited time, heretofore set for hearing, was dismissed at request of applicant.

APPLICATIONS RECEIVED

First Zone

WHDL—Tupper Lake Broadcasting Co., Inc., Tupper Lake, N. Y.—Modification of construction permit granted 3-21-34 for extension of commencement and completion dates to 5-15-34 and 6-30-34, respectively.

NEW—Joseph Pappalardo, Methuen, Mass.—Construction permit to erect new station to operate on **1120 kc.**, with power of 500 watts, daytime. *Amended* to request power of 100 watts, unlimited time, and station to be located at Lawrence instead of Methuen, Mass.

WGLC—O. T. Griffin and G. F. Bissell, Hudson Falls, N. Y.—Consent to voluntary assignment of license to Adirondack Broadcasting Co., Inc.

WTAG—Worcester Telegram Publishing Co., Inc., Worcester, Mass.—Authority to determine operating power by direct antenna measurement.

WOKO—WOKO, Incorporated, Albany, N. Y.—Modification of license to increase power from 500 watts to 500 watts, 1 KW LS.

NEW—J. David Stern, New York, N. Y.—Construction permit to erect new station to operate on **810 kc.**, power of 500 watts, daytime. *Amended* to request operation from 6 a. m. to sunset of Station WCCO.

NEW—Frank Lyman, Jr., Boston, Mass.—Construction permit to erect new station to operate on **680 kc.**, power of 250 watts, limited time.

Second Zone

WKBN—WKBN Broadcasting Corporation, Youngstown, Ohio—Construction permit to change frequency from **570 kc.** to **610 kc.**, power of 500 watts, to 500 watts, 1 KW LS, with directional antenna after sunset Youngstown, and S. H. to unlimited time; make equipment changes and move transmitter locally, exact location to be determined.

WAIU—Associated Radiocasting Corp., Columbus, Ohio—Modification of license to change frequency from **640 kc.** to **570 kc.**, and power from 500 watts to 750 watts, 1 KW LS, and time from limited to S. H., now being used by Station WKBN.

WJAY—Cleveland Radio Broadcasting Corporation, Cleveland, Ohio—Modification of license to change frequency from **610 kc.** to **640 kc.**, power from 500 watts, daytime, to 1 KW, S. H.

WBNS—WBNS, Incorporated, Columbus, Ohio—Modification of construction permit granted 2-6-34 to move transmitter for extension of completion date to 9-1-34.

KDKA—Westinghouse Electric and Manufacturing Company, Pittsburgh, Pa.—License to cover construction permit to install new equipment (alternate main transmitter).

KDKA—Westinghouse Electric and Manufacturing Company, Pittsburgh, Pa.—Construction permit to install new equipment (alternate main transmitter).

WJIM—Harold F. Gross, M. B. Keeler, and L. A. Versluis, d/b as Capital City Broadcasting Company, Lansing, Mich.—Modification of construction permit (2-P-B-2763A) to extend commencement and completion dates to 6-20-34 and 8-22-34, respectively.

WJR—WJR, The Goodwill Station, Detroit, Mich.—Construction permit to erect temporary station to operate on **750 kc.**, with power of 1 KW, unlimited time.

WKBO—Keystone Broadcasting Corp., Harrisburg, Pa.—License to cover construction permit (2-P-B-3188) to make equipment changes and move station locally.

WJBK—James F. Hopkins, Inc., Detroit, Mich.—Modification of license to increase power from 50 watts to 100 watts.

Third Zone

WGCM—Grace Jones Stewart, under the trade name Great Southern Land Co. (not inc.), Mississippi City, Miss.—Modification of license to move studio from Mississippi City, Miss., to Great Southern Hotel, Gulfport, Miss.

WSMB—WSMB, Inc., New Orleans, La.—Special experimental authority to operate with power of 1 KW.

KTRH—KTRH Broadcasting Co., Houston, Tex.—Construction permit to make equipment changes and increase power from 1 KW to 1 KW, 2½ KW LS.

WMBR—F. J. Reynolds, Inc., Jacksonville, Fla.—Consent to voluntary assignment of license to Florida Broadcasting Company.

WSMB—WSMB, Inc., New Orleans, La.—Modification of license to increase power from 500 watts to 1 KW; to be considered under Rule 6g.

NEW—Richard Austin Dunlea, Wilmington, N. C.—Construction permit to erect new station to operate on **1370 kc.**, power of 100 watts, daytime. *Amended* re equipment and to request consideration under Rule 6(g).

Fourth Zone

WDGY—Dr. George W. Young, Minneapolis, Minn.—Construction permit to increase power from 1 KW to 1 KW, 2½ KW LS; change time of operation from limited to unlimited, and make equipment changes. *Amended* to make changes in antenna system and move transmitter, exact site to be determined.

KWCR—Cedar Rapids Broadcast Co., Cedar Rapids, Iowa—Modification of construction permit granted 1-16-34 for extension of completion date for six months.

WIBW—Topeka Broadcasting Assn., Inc., Topeka, Kans.—Authority to install automatic frequency control equipment.

KMBC (Aux.)—Midland Broadcasting Co., Kansas City, Mo.—License to cover construction permit granted 12-5-33 to move auxiliary transmitter.

KGA—Louis Wasmer, Spokane, Wash.—Modification of license to change frequency from **1470 kc.** to **900 kc.**; change power from 5 KW to 1 KW, 2½ KW LS.

Fifth Zone

KGIR—KGIR, Incorporated, Butte, Mont.—Modification of license to increase power from 500 watts, 1 KW LS, to 1 KW (day and night).

KOA—National Broadcasting Co., Inc., Denver, Colo.—License to cover 5-P-B-1577 to install new equipment, increase power, and move transmitter locally.

KWYO—R. E. Carroll tr/as Big Horn Broadcasting Co., Sheridan, Wyo.—Modification of construction permit granted 3-2-34 to make equipment changes.

KGVO—Mosby's, Incorporated, Missoula, Mont.—Special experimental authority to operate on **950 kc.**, with power of 500 watts, for period ending 10-1-34, while Station KGHL is on **780 kc.**; to move transmitter to exact location to be determined, Missoula, Mont., and make equipment changes; to be considered under Rule 6(g).

KOA (Aux.)—National Broadcasting Co., Inc., Denver, Colo.—Modification of license to use old main transmitter of Station KOA as auxiliary transmitter.

NEW—Montana Broadcasting Co., Freda Wessell, Sec'y, Helena, Mont.—Construction permit to erect new station to operate on **1420 kc.**, power of 100 watts, unlimited time. *Amended* to request S. H.

KOL—Seattle Broadcasting Co., Inc., Seattle, Wash.—Construction permit to make equipment changes and move studio locally. *Amended* re equipment and to request increase of power from 1 KW to 1 KW, 2½ KW LS.

KUJ—KUJ, Incorporated, Walla Walla, Wash.—Construction permit to make equipment changes; change frequency from **1370 kc.** to **1340 kc.**; increase power from 100 watts to 1 KW and time of operation from day to unlimited (facilities Station KFPY).

APPLICATIONS RETURNED

WBIG—North Carolina Broadcasting Co., Inc., Greensboro, N. C.—Construction permit to install new power supply unit. (Unnecessary.)

WGST—Georgia School of Technology, Atlanta, Ga.—Modification of license to change power from 250 watts, 1 KW LS, to 500 watts, 1 KW LS. (Improper application form.)

NEW—W. Wright Esch, Daytona Beach, Fla.—Construction permit to erect new station to operate on **1420 kc.**, power of 100 watts, unlimited time. (Rule 6, Sections 14, 16, 23; transmitter site.)

WMMN—A. M. Rowe, Inc., Fairmont, W. Va.—Construction permit to install new equipment. (Unnecessary.)

WSMB—WSMB, Incorporated, New Orleans, La.—Special experimental authority to operate with power of 1 KW. (Applicant's request.)

CORRECTION

In the May 12 issue of NAB Reports, WMAZ was listed as having been granted full-time operation. The Federal Radio Commission has since indicated an error in the initial release from which the information was obtained. The application of WMAZ has, instead, been set for hearing, tentatively scheduled for June 6, 1934.

The National Association of Broadcasters

NATIONAL PRESS BUILDING ★ ★ ★ ★ ★ WASHINGTON, D. C.

PHILIP G. LOUCKS, Managing Director

NAB REPORTS

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JUNE 2, 1934

Copyright, 1934, The National Association of Broadcasters

RAYBURN BILL IS REPORTED

The House Committee on Interstate and Foreign Commerce on Tuesday reported favorably the Rayburn Communications Commission bill without amendments affecting broadcasting. The bill in the form in which it has been reported leaves the radio act intact but places its administration under a new Communications Commission of seven men.

By rejecting the proposals to amend the radio act and the proposal to set aside 25 per cent of all channels for religious, educational, and similar organizations, the Committee followed the recommendations made by the NAB during hearings on the bill.

The House Rules Committee later in the week granted a rule for consideration of the bill, limiting debate to one hour on the rule and two hours of general debate on the bill. This means that the bill will come up in the House within the next day or two.

Since the House bill does not include any of the provisions contained in Title III of the Dill bill, if passed in its reported form, this Title III would become the subject of a conference between managers of the Senate and House. Whether any or all of the Dill bill provisions would be accepted by the conference is problematical. Several of the Dill bill provisions have been vigorously opposed by the NAB and this opposition will be carried into the conference.

There is a liklihood that the 25 per cent amendment will be introduced from the floor of the House when the bill comes up. NAB stations which have not contacted their Congressmen on this possibility are urged to do so by the Legislative Committee.

Should the House pass the Rayburn bill and the differences between the two measures harmonized in conference, it is believed the President will approve the bill forthwith. This would mean abolition of the Federal Radio Commission which has had jurisdiction over broadcasting since 1927.

At the time this issue of NAB Reports goes to press, copies of the Rayburn bill as reported and the report are not available although their contents have been explained by Chairman Rayburn.

HEARINGS ON COPYRIGHT BILL

The subcommittee of the Senate Foreign Relations Committee this week held hearings on the Cutting copyright bill. The bill was introduced for the purpose of enabling the United States to enter the International Copyright Union and carried the support of the Department of State.

The representative of the State Department stated that the treaty, being self-executing, would, if ratified, supersede the present copyright laws of the United States and provide automatic copyright for foreign authors and composers.

Entrance into the Union was advocated by William H. Osborn, speaking for the Authors League of America although the League was opposed to the Cutting bill in its present form.

F. G. Melcher, speaking for the National Association of Book Publishers, took the position that the United States should first pass copyright legislation before ratifying the treaty, pointing out that if the treaty were ratified in advance of copyright legislation chaos would result during the intervening period.

Other witnesses who appeared in support of the measure, some with reservations, were James L. Brown, chief of trademark and patent section of the Department of Commerce; John McRae, book publisher; Lela Mechlin, former secretary of the American Federation of Artists; John H. MacCracken, associate director of the American Council on Education; and William W. Tufts, representing the map publishers.

Thorvald Solberg, former register of copyrights, made a lengthy plea for entrance into the Union and reviewed the lengthy agitation for such action on the part of the United States.

Senator C. C. Dill of Washington, led the opposition to the Cutting bill and also to ratification of the treaty at this time. He explained to the subcommittee that copyright touches the lives of more people than any other legislation pending before Congress except tariff legislation. The purpose of the bill, he said, was to wipe out 140 years of consistent legislation in the United States on the subject of copyright. This is a foreign law, he said, and if we are to join we must scrap our law and take the foreign law. The Washington Senator, one of the best informed members of the Senate on the subject of copyright, reviewed our copyright legislation pointing out that all of our laws required registration and notice while the present bill would do away with such formalities. The bill should be before the Senate Patents Committee and not the Foreign Relations Committee, he said, and urged the subcommittee to urge this change of reference in its report.

Our copyright laws need revision, he said, adding that under the present law "one organization in New York holds a club over users so that they can charge whatever they ask." He said that it was impossible to pass the law at this session of Congress and urged the subcommittee to report to the full committee that the bill go to the Patents Committee and that the convention should not be ratified until after enabling legislation has been passed.

Edward T. Kilgore, attorney for the Fox Film Corporation and for the Hays organization, in opposing the bill and the treaty said that if we entered the Union without reservation we would do so on an unequal basis since other countries have made reservations. He raised a constitutional objection to the "oral" copyright provision stating that our constitution granted copyright only in writings. The public domain of music would become scrapped, he said.

Julian Brylawski, of the Motion Picture Theaters Owners of America, read a resolution which was adopted at the meeting of his organization protesting against the bill. He said if the treaty were ratified there would spring up numerous organizations similar to the American Society of Composers, Authors and Publishers. Where we have one society now, we would have numerous societies under the bill.

Chairman Duffey, of the subcommittee, said that out in his state of Wisconsin the society we have here is considered a "racket."

Oswald F. Schuette represented the NAB at the hearings and opposed both the bill and the treaty.

"The broadcasting industry favors a revision of the copyright laws," he said. "But we are opposed to the bill before this committee because we do not believe it would achieve the purpose for which it is intended and that its passage in its present form would lead to confusion and chaos. The broadcasting industry favors the protection of copyright by international treaties, but we are opposed to the ratification of this treaty until Congress shall have revised the copyright laws to protect not only the rights of foreign and domestic authors and composers, but of the user of literary and musical works and of the rights of the public in the public domain.

"Even under the restrictions of the present law, the broadcasters find themselves at the mercy of an organization which claims to control the public performance rights to a million or more copyrighted musical compositions that, at least, have actually been registered in the Copyright Office. Under the present law a single innocent infringement of any one of these compositions entails a minimum statutory damage of $250, plus attorney's fees. The mere threat of such a suit is so strong a club that the American Society of Composers, Authors and Publishers has found it possible to exact arbitrary licenses not only in practically every broadcasting station in the country, but from thousands of other users.

"To show the extent to which this organization has gone in

wielding this club, I have in my possession a letter which it sent to a broadcasting station in Oklahoma, which had refused to yield to its terms. In that case, Mr. Chairman, instead of suing the station for infringement, as it might have done, the American Society sent threats to each of the advertisers of that station threatening to sue these advertisers as 'joint tort feasors'.

"If this organization can deal thus ruthlessly with copyrights that are registered under the present laws, how much more sweeping would its power be if it were to be given control over automatic copyrights, both domestic and foreign.

"Properly safeguarded, the broadcasters have no objection to any extension of copyright which may be necessary to protect works against unlicensed broadcasting. But the proposal of Section 4 of the Cutting bill, which seeks to carry out one of the provisions of the Rome Convention, would give to the author—even after he has parted with his copyright or granted a license for the use of his works—the right to prevent the broadcast of any modification which might be deemed prejudicial to his honor or reputation. This would create a serious situation for broadcasters because there are few literary or musical works that can be presented on the air in exactly the original form created by the author. Such works must be cut, condensed, expanded, dramatized or non-dramatized or translated. This is particularly necessary because the work in the form originally created by the author was not generally written for the particular radio program of the particular radio station and, in most cases, was not written for radio presentation at all."

William B. Warner, representing the National Publishers Association, objected to the bill because under it the publisher could not protect himself from injunction suits. Editors must have the right to edit, he said.

Robert E. Coulson, also of the National Publishers Association, said the bill, if passed, would sacrifice certainty for change in a field where certainty is more important than change for all concerned. If the bill were passed, he said, it would take ten years of litigation to know where all parties stood. The bill would help foreign authors and the American Society but no others.

M. J. Flynn, representing the American Federation of Labor, opposed the bill and the treaty and suggested that the State Department might well call conferences during the summer to work out a satisfactory law. Most of those attending the hearing agreed that this would be desirable and the representative of the State Department stated that the Department would be pleased to undertake the task.

John G. Payne, of the Music Publishers Protective Association, objected to the bill, pointing out the danger that some foreign court might construe the act against the interests of the United States, thereby throwing all American works in the public domain of that country. He said the copyright laws needed revision and that American authors needed better protection abroad.

The subcommittee, consisting of Chairman Duffey, Senators Van Nuys and Fess, closed the hearings and now has the bill and treaty under advisement. It is doubtful, in view of the general opposition expressed, whether any final committee action will be taken on the measure during the present session.

TRADE COMMISSION GETS COOPERATION

The Special Board of Investigation of the Federal Trade Commission is pleased with the cooperation promised by broadcasting in its undertaking to survey radio advertising. The Commission, after voting the survey, asked that stations cooperate in the work by sending in copies of all commercial announcements after July 1. The response to the letter sent to all stations has been most encouraging, it is said at the Commission.

NAB ENGINEERING COMMITTEE MEETS

Cnncurrently with the I. R. E. Convention, an open meeting of the NAB Engineering Committee was held Monday, May 28, at the Benjamin Franklin Hotel, Philadelphia. The meeting was called to order by J. A. Chambers, chairman, and was devoted to a discussion of high fidelity transmission. Approximately 75 members of the committee and broadcast station engineers attended the meeting, and many of them participated in the discussion.

Measurements made by A. S. Clark of the Radio Research Co., of Washington, on the performance of 24 broadcasting transmitters of various powers were presented. The figures indicated that composite transmitters, under actual operating conditions, are superior to standard manufactured transmitters insofar as distortion is concerned. The measurements indicated that, at 75 per cent modulation, the average distortion of 7 "standard" transmitters, of powers from 100 to 5000 watts, was 13.6 per cent, and that the average distortion of 17 "composite" transmitters, of powers from 100 to 1000 watts, was 9.0 per cent. Measurements on the frequency characteristics indicated that some manufactured transmitters were superior in this respect.

During the ensuing discussion, the necessity for adequate measuring apparatus and for its regular use by broadcasting stations was stressed. It was pointed out that high-quality transmission can be effected only through the careful checking of transmitter adjustments. The use of an engineering handbook, now being prepared by the Engineering Committee, was favorably discussed. The average station owner was stated to have little conception of what his engineer is up against in trying to maintain his equipment in proper operating condition.

The I. R. E. convention, which furnished the opportunity for the large attendance at the NAB meeting, was the largest convention in the history of the Institute. C. M. Jansky, Jr., President of the I. R. E., presided.

At the opening session, W. R. G. Baker, Vice-President and General Manager of the RCA-Victor Co., outlined some of the vital factors relative to the advent of commercial television, and predicted that at least five years' time is required for working out the commercial features of regular television entertainment. Dr. Baker said "If 700,000 persons should spend $300 apiece to equip their homes with television apparatus, that would require a total expenditure of $210,000,000. To serve that many persons about 80 transmitting stations would have to be provided, at a cost of $40,000,000, and another $40,000,000 would have to be spent to develop an interconnecting network. It would take $58,-000,000 a year for costs of transmitter operation and for depreciation.

"Another problem is that of programs. A radio broadcasting network is likely to have 5000 program hours a year. For a television station to show once each of the 300 feature motion pictures produced in a year in the United States would take up only 300 program hours. To broadcast each of the new plays of a year shown on New York stages would take up only another 300 hours. Shorts and newsreels would bring the total only to 2000 hours. And not all news events would be in reach.

"The artist's life, in television, would be for only a few brief weeks. You can listen to an entertainer over the air repeatedly, but you would not be content to see his grimaces more than a few times. So artists would demand high pay.

"Who is to pay for the vast costs? It will take years to develop television. You can't expect the manufacturers to pay for it, nor can you expect advertisers to pay much until coverage is assured them. European nations have become accustomed to government operation of all communications systems and to paying a government tax for radio broadcasting. American social psychology is different.

"But none of these problems are insoluble. And television hasn't yet developed all its tools."

J. A. Chambers, Technical Supervisor of the Crosley Radio Corporation, described the recently constructed 500 kilowatt transmitter of WLW.

The 1934 Honor Medal was presented by the Institute to Capt. S. C. Hooper, Director of Naval Communications, in recognition of his work in organizing military communications and in fostering the growth of American communications facilities. In accepting the medal, Capt. Hooper outlined some of the factors concerning the growth of communications systems, and added, "Now many nations have their houses somewhat in order at home insofar as concerns the circuits which connect with ships, aircraft, and the cities of the world. But the United States must look to its broadcasting, for gradually the spoken voice will come to be more and more listened to between nations and we will be judged by those other nations whom we desire as friends and partners in trade by the example we set on the air. We must be careful in broadcasting to foreign people. We must build stations powerful enough for them to hear well. We must learn to be interesting to them in culture and information, and in art and music, so that they will like to listen to us and become our friends. For trade follows friendships and national understanding. We must be sincere so that they will not be suspicious of us, and we must keep our service national for use in case of emergencies.

"The procedure on intercontinental broadcasting has hardly been crystallized as yet. The art is too young. But great good will come when this is perfected, and great understanding will result when the peoples of the world can understand one another's problems and points of view."

ASK RADIO COMMISSION INVESTIGATION

Senator Dickinson of Iowa has introduced a resolution in the Senate (S. Res. 250) asking for an investigation of the Federal Radio Commission. The resolution, wbich was referred to the Committee on Interstate Commerce, is as follows:

Resolved, That the Committee on the Judiciary is authorized and directed to investigate the Federal Radio Commission, tbe records, documents, and decisions thereof, and each of the personnel thereof, with particular reference to the conduct and deportment of the several members of the Commission while engaged in exercising judicial or quasi-judicial functions under the Radio Act of 1927, and with further reference to the fitness of said several members of tbe Commission to exercise judicial or quasi-judicial functions either as members of the Federal Radio Commission as now constituted or as members of any commission whicb may be hereafter established to take over its powers and duties.

The committee shall report to the Senate the results of its investigation, including such recommendations as it deems advisable.

For such purposes the committee, or any subcommittee thereof, is authorized to sit and act at such times and places in the District of Columbia and elsewhere, whether or not tbe Senate is in session, to hold such hearings, to employ such experts, and such clerical, stenographic, and other assistants, to require the attendance of such witnesses and the production of such books, papers, and documents, to take such testimony, to have such printing and binding done, and to make such expenditures as it deems necessary.

DILL TELEPHONE RESOLUTION

Senator Dill this week introduced a resolution (S. Res. 252) in the Senate calling for an investigation of the American Telepbone & Telegraph Company.

The resolution was taken up by the Senate Committee on Interstate Commerce to which it was referred on Thursday but no action taken. It is understood that the committee will consider the resolution further on Monday. The resolution is as follows:

Resolved, Tbat the Committee on Interstate Commerce, or any duly authorized subcommittee thereof, is hereby authorized and directed to make a thorough and complete investigation of the operations, relationships, and activities of the American Telephone & Telegraph Co., its subsidiaries, affiliates, associates, and other concerns in which it or they have any direct or indirect, financial interest, or which have any such interest in it, or in which any of its officers or directors hold any office or exert any control and shall report to the Senate the facts as ascertained and make recommendations for such legislation as the committee deems desirable.

In making said investigation the committee shall, among other tbings, investigate and report particularly on the following subjects:

(1) The financial structure and relationship of the company and its subsidiaries, associates, and affiliates and the extent to which its holding-company structure enables it to evade regulation or taxation, or enables it to conceal or absorb profits; the extent of interservice contracts or transactions between the American Telephone & Telegraph Co. and its subsidiary, affiliated, associated, or bolding companies, and particularly contracts with the Western Electric Co. and other manufacturers of electrical communication equipment, if any; also the sale prices of telephone equipment, material, or devices to telephone-operating companies, the profits upon such sales and the effect of such sales upon the rate base of operating companies when used as a basis for telephone charges in the various States; and the probable savings by telephone-operating companies purchasing equipment under a system of competitive bidding.

(2) Tbe activities of and expansion by the company and its subsidiaries, associates, holding companies, and affiliates into fields other than telephone communication, including teletype service, telephoto service, broadcasting, motion-picture distribution, and the manufacture of electrical equipment.

(3) The methods of competition with other companies and industries, with reference to equality of service, reasonableness of rates, both local and long distance, depreciation accounting practices, discriminatory practices, suppression of patents, method of accounting for royalties accruing on patents, sale and refusal to sell equipment to competing companies, maintenance of exorbitantly high prices because of monopolistic control, and particularly the relationsbip of the company with Electrical Research Products, Inc., and its relation to independent motion-picture organizations, and its practices in the interests of the company.

(4) Tbe extent to which local subscribers have borne the cost of the research developments for long-distance appliances, radio, motion-picture, and other inventions not related to the improvement of local service.

(5) The reasons for voluntary reductions in long-distance charges and the failure to reduce local charges during the past few years of generally falling prices.

(6) Its relations as an employer with its employees and the extent of its reduction in number and wages of employees while maintaining exorbitant salaries for high officials and a continuous high dividend rate.

(7) The methods whereby the company or its subsidiaries or affiliates or its officers or directors have sought through propaganda, or the expenditure of money or the control of channels of publicity, to influence or control public opinion or elections.

The words "associates," "subsidiaries," "affiliates," and "holding companies" shall include all companies directly or indirectly associated or connected with the American Telephone & Telegraph Co., either by stock ownership, interlocking directorates, interlocking offices, whether by direct or indirect stock ownership, office holding, or directorates, or traceable through one or more companies, corporations, partnerships, individuals, or in any other manner.

That the said committee is hereby authorized to sit and perform its duties at such times and places as it deems necessary or proper and to require the attendance of witnesses by subpenas or otherwise; to require the production or inspection of all accounts, books, papers, documents, memoranda, minutes, etc.; and to employ counsel, experts, and other assistants, and stenographers at a cost not exceeding 25 cents per hundred words. The chairman of the committee, or any member thereof, may administer oaths to witnesses and sign subpenas for witnesses; and every person duly summoned before said committee, or any subcommittee thereof, who refuses or fails to obey the process of said committee, or appears and refuses to answer questions pertinent to said investigation, shall be punished as prescribed by law. The expenses of said investigation shall be paid from the contingent fund of the Senate on vouchers of the committee or subcommittee, signed by the chairman and approved by the Committee to Audit and Control the Contingent Expenses of the Senate, not to exceed $25,000.

FRC TO ACQUIRE APPARATUS

The Engineering Division of the Federal Radio Commission recently addressed communications to manufacturers of radio apparatus seeking proposals for equipment to permit the FRC Field Division to maintain a more adequate check on tbe characteristics of broadcasting transmitters.

It is planned to acquire for each monitoring station a modulation indicator, volume indicator, and distortion measuring equipment to be associated with a radio receiver. It is planned to require each broadcasting station to demonstrate at regular intervals its compliance with FRC rules regarding performance of transmitters. If such measurements at the monitoring stations indicate violation of the rules, a check-up will be made, according to the plan, at the station in question by a Commission inspector.

So far, the response from the manufacturers bas indicated that the apparatus will have to be built to order and to the Commission's design. The Commission's plans are therefore tentative and based on delivery and testing of apparatus, which will require some time.

The effect on broadcasting stations of the institution of such enforcement of regulations, and possible drafting of further regulations, would be a general increase in quality of transmission, as a result of more careful operating technique. It is probable that many station owners will have to acquire modulation meters, beat frequency oscillators, distortion factor indicators, and other routine testing apparatus which they do not now possess.

ASCAP LOSES BALTIMORE SUIT

According to the Baltimore Sun, June 1, 1934, the —Granted Society of Composers, Authors and Publishers, an organ from which owns almost all the copyrights on modern songs and 500 tunes, came off a bad second best in a suit heard yesterday bc Judge Killiam C. Coleman in the United States District Court. to

"The Society sought to collect $250 from the proprietor of a Baltimore beer garden on the ground that last October an orchestra had played at the place and had used one of the organization's dance tunes without paying any royalty," says the news story.

"The witness for the Society, who testified that he was a professional musician hired to go about and find violations of the copyright laws, told the court that the orchestra be had heard

at the beer garden was composed of a piano, a saxophone, a drum and a banjo and that he had recognized among their renditions a tune called "The Talk of the Town," on which his employers owned the copyright.

"The members of the orchestra, who testified for the defense, said they had not played the tune referred to, although they had been asked to play it by the prosecution witness, because they did not know it and could not read music.

"They said they played only from memory such old songs as "Turkey in the Straw," "Old Dan Tucker" and "Golden Slippers," and that their orchestra was made up of a piano, banjo, guitar and violin.

"In dismissing the suit, Judge Coleman held that the musicians probably had a better recollection of what they played than the plaintiff's witness, who testified that he had been to a number of places the same evening in his search for copyright violations."

RECOMMENDS NEVADA STATION DENIAL

E. L. Landsberg and K. V. Martin applied to the Radio Commission for a construction permit for a new broadcasting station to be erected at Las Vegas, Nev., to use the facilities of Station KGIX, that city. Ralph L. Walker(e) on Friday in Report No. 561 recommended that this application be denied and also that the application for station renewal be denied KGIX "without prejudice to the granting of the license upon the completion of construction of new equipment pursuant to the provisions of the outstanding permit."

The Examiner found that the applicants for the new station failed to make any showing "which would warrant a finding that the operation of a station by them at Las Vegas would serve public interest or necessity."

WJEJ DENIAL RECOMMENDED

Station WJEJ, Hagerstown, Md., applied to the Radio Commission for unlimited time, instead of daytime hours, and to increase its power from 100 watts to 50 watts at night and 250 watts daytime, without changing its present frequency of 1210 kilocycles. Ralph L. Walker(e) in Report No. 560 on Friday recommended that the application be denied.

The Examiner found that the station is now operating satisfactorily and "there does not appear to be any substantial need for the additional coverage which would result from an increase in its daytime power from 100 to 250 watts."

HOW ABOUT SENDING IN YOUR CHECK?

The NAB membership has reached 355 and is still mounting. Bills were sent out this week and it was revealed that only 20 stations out of the total number are in arrears in their dues. With the heavy expenses in connection with the work now going on our revenue is barely equal to the expenses, despite a limited staff in the headquarters office. It would be a great help if the 20 delinquents would pay their dues and if all others would send in their June dues promptly.

KUDNER HEADS AAAA

Arthur H. Kudner, of Erwin, Wasey & Co., New York, was elected Chairman of the Board of the American Association of Advertising Agencies at its session this week in Washington, D. C. He succeeds W. C. D'Arcy of St. Louis.

Charles Daniel Frey of Chicago was elected vice president to succeed Mr. Kudner, who has been vice president of the Association during the last year.

C. C. Smith of Detroit was elected Secretary, succeeding A. L. Ney of Cleveland, and E. De Witt Hill, of McCann-Erickson, York, was re-elected treasurer.

Cnncui out Mr. Frey's term on the Board of Directors, Mr. of the N Ryan of Pedlar & Ryan, New York, was elected with at the ew directors at large, namely, Mr. D'Arcy, the retiring called nan, and J. N. Dawson, of Tracy-Locke-Dawson, New York, a d F. B. Ryan, of Ruthrauff & Ryan, New York.

b John Benson of New York retains the post as President of the Association, which he has held for several years, together with the executive staff headed by Frederic R. Gamble, executive secretary.

Members of the executive board representing councils were elected as follows:

F. C. Bruns, New York City, New York council; C. A. Oswold, Philadelphia, Atlantic council; Henry B. Humphrey, Boston, New England council; and Milton J. Blair, Chicago, Western council.

RMA MEETS JUNE 11 TO 14

The Tenth Annual Convention of the RMA will be held at Chicago, Ill., June 11 to 14. The program for the meeting which includes a number of important speakers was announced this week by Bond Geddes, Executive Vice President and General Manager of the RMA. Headquarters will be at the Stevens Hotel.

SUPREME COURT DENIES WRIT

The United States Supreme Court this week denied the petition for writ of certiorari of broadcasting station WOQ, Kansas City.

The Radio Commission gave the facilities of this station to Station KFH, Wichita, Kans. WOQ appealed to the Court of Appeals of the District of Columbia but this court upheld the decision of the Commission, granting a stay order, however. The station then asked the Supreme Court to review the decision of the lower court which it has now denied.

SUGGESTS DENYING NEW TEXAS STATION

Application was made to the Radio Commission for a construction permit for a new broadcasting station at Longview, Texas, by the Voice of Longview to use 1370 kilocycles, 100 watts power and daytime hours. Ralph L. Walker(e) in Report No. 559 this week recommended that the application be denied.

The Examiner found that it does not appear from the record that there is sufficient program material to enable the station to furnish a desirable service, nor that the applicant will possess "sufficient financial resources to insure the construction and operation of a station in a satisfactory manner."

RECOMMENDS AGAINST NEW MARYLAND STATION

A. V. Tidmore applied to the Radio Commission for a construction permit for a new broadcasting station to be erected at Salisbury, Md., to operate on 1200 kilocycles, 100 watts and daytime only. Ralph L. Walker(e) in Report No. 558 this week recommended that the application be denied.

The Examiner found that the applicant failed to show the character of service he proposed to render, and the availability of sufficient program material to permit the rendition of a desirable service. "Further," says the Examiner, "it does not appear that sufficient revenue would be obtained from the sale of time to permit the satisfactory and successful operation of the proposed station as a commercial enterprise."

NOTICE!

Station WSGN writes that a J. I. Howard, president of the Southern Investment Corporation of Charlotte, N. C., has just left Birmingham, Ala., leaving unpaid a charge for a week's broadcasting over WSGN. Station WSGN says that Mr. Howard's advertising is of a "vague nature, relating to the opening of offices in the city, the fact that his corporation fosters Southern industries, and is available to sell stock and promote business deals for any small industry." Further details can be obtained by writing Station WSGN.

SECURITIES ACT REGISTRATION

The following companies filed registration statements with the Federal Trade Commission under the Securities Act during the current week:

Ardeen Gold Mines, Ltd., Montreal, Canada (2-900, Form A-1)

Collateral Equities, Inc., Dayton, Ohio (2-901, Form C-1)

Bondholders Protective Committee for the Baton Rouge Lode No. 490, Order of Elks, First Mortgage 5¾ per cent Gold Bonds, New Orleans, La. (2-902, Form D-1)

Great Bend, Ltd., Goldfield, Nev. (2-903, Form A-1)

Hamilton Shares, Inc., New York City (2-904, Form A-1)

Nevada State Gold Mines Company, Lovelock, Nev. (2-905, Form A-1)

Victor H. Munnecke and others, Chicago, Ill. (2-907, Form D-1)

Empire States Refining Corp., Inc., Bolivar, New York (2-908, Form A-1)

United Endowment Foundation, Inc., New York City (2-909, Form C-1)

FEDERAL RADIO COMMISSION ACTION

HEARING CALENDAR

Tuesday, June 5, 1934

KVI—Puget Sound Broadcasting Co., Inc., Tacoma, Wash.—Modification of license; **570 kc.,** 500 watts, 1 KW LS, unlimited. Present assignment: **570 kc.,** 500 watts, unlimited.

KGW—Oregonian Publishing Co., Portland, Ore.—C. P., **620 kc.,** 1 KW, 2½ KW, unlimited. Present assignment: **620 kc.,** 1 KW, unlimited.

Thursday, June 7, 1934

WOWO—Main Auto Supply Co., Fort Wayne, Ind.—Renewal of license; **1160 kc.,** 10 KW, simultaneous daytime with WWVA, sharing night.

KTAR—KTAR Broadcasting Co., Phoenix, Ariz.—Modification of license; **620 kc.,** 1 KW, unlimited. Present assignment: **620 kc.,** 500 watts, 1 KW LS, unlimited.

WWVA—West Virginia Broadcasting Corp., Wbeeling, W. Va.—Renewal of license; **1160 kc.,** 5 KW, simultaneous daytime with WOWO, sharing night.

APPLICATIONS GRANTED

First Zone

WPRO—Cberry & Webb Broadcasting Co., Providence, R. I.—Granted extension of special experimental autbority to operate on **630 kc.,** 250 watts, from June 1 to December 1, 1934; also granted modification of special experimental autbority approving exact transmitter location at Providence.

WORC—Alfred F. Kleindienst, Worcester, Mass.—Granted 90-day extension of special experimental autbority to operate on **1280 kc.,** 500 watts.

Second Zone

WOBU—Cbarleston Broadcasting Corp., Charleston, W. Va.—Granted modification of license to increase day power from 500 watts to 1 KW.

WPEN-WRAX—Wm. Penn Broadcasting Co. and WRAX Broadcasting Co., Pbiladelpbia, Pa.—Granted modification of C. P. to extend completion date to August 1.

WKBO—Keystone Broadcasting Corp., Harrisburg, Pa.—Granted license to move station locally and make changes in equipment; **1200 kc.,** 100 watts, S-WKJC.

WJR—WJR, The Goodwill Station, Detroit, Micb.—Granted C. P. to October 16, 1934, to erect temporary station-transmitter at Detroit, install new equipment, and use 1 KW power instead of 10 KW, on **750 kc.,** unlimited hours.

Third Zone

WCLO—WCLO Radio Corp., Janesville, Wis.—Granted renewal of license; **1200 kc.,** 100 watts, unlimited time.

WBRC—Birmingham Broadcasting Co., Inc., Birmingham, Ala.—Granted license; **930 kc.,** 500 watts nigbt, 1 KW LS, unlimited time.

WSBC—WSBC, Inc., Chicago, Ill.—Granted license covering changes in equipment; **1210 kc.,** 100 watts, specified bours.

WGCM—Great Southern Land Co., Mississippi City, Miss.—Granted modification of license to move studio from E. Beach Gulfport, Mississippi City, to Great Southern Hotel, Gulfport, Miss.

Fourth Zone

KGCU—Mandan Radio Assn., Mandan, N. Dak.—Granted C. P. to move transmitter and studio locally, and install new equipment.

KWCR—Cedar Rapids Broadcast Co., Cedar Rapids, Iowa—Granted modification of C. P. extending completion date to 6 montbs from May 16, 1934.

KWLC—Lutber College, Decorah, Iowa—Granted special temporary autbority to reduce bours of operation to 2 hours daily for period June 6 to September 10, 1934, during vacation period.

Fifth Zone

KVOS—KVOS, Inc., Bellingham, Wash.—Present license extended for 30 days on temporary basis subject to such action as may be taken on application for renewal.

KPCB—Queen City Broadcasting Co., Seattle, Wash.—Granted special temporary authority to operate station witbout approved frequency monitor for period of 25 days.

KGA—Louis Wasmer, Spokane, Wash.—Granted special experimental authority to operate on **900 kc.,** with 1 KW night, 2½ KW LS, unlimited time, for period ending November 1, 1934, subject to decision by Court of Appeals in the case of KSEI-KFPY.

SET FOR HEARING

NEW—Roy W. Bushland, Chippewa Falls, Wis.—C. P. (Exp. Broadcast); **1530 kc.,** 150 watts, 12 noon to 9 p. m.; to be heard by Commission en banc on June 27.

WNAC—Shepard Broadcasting Service, Inc., Boston, Mass.—C. P. to increase day power from 1 KW to 2½ KW LS, and make changes in equipment.

WAAB—Bay State Broadcasting Corp., Boston, Mass.—Modification of license for authority to use transmitter of Station WNAC.

WBNX—Standard Cahill Co., Inc., New York—License covering changes in equipment; **1350 kc.,** 250 watts, S-WAWZ; granted temporary license pending outcome of hearing.

KGHI—Loyd Judd Co., Little Rock, Ark.—Special experimental autbority to increase night power from 100 watts to 250 watts.

SPECIAL AUTHORIZATIONS GRANTED

WABI—First Universalist Society of Bangor, Me.—To operate daily except Sunday: 9 a. m. to 2 p. m., 6 to 10 p. m.; Sunday: 6 a. m. to 3 p. m., 6 to 9 p. m., EDST instead of EST, for period from June 1 and during the daylight saving time period, but not later than September 1, 1934.

WGAL—WGAL, Inc., Lancaster, Pa.—To operate station without approved frequency monitor for period of 10 days.

WHET—Dothan Broadcasting Co., Dothan, Ala.—To operate from 6:30 to 9:30 p. m., CST, on May 29.

WSVS—Seneca Vocational High School, Buffalo, N. Y.—To remain silent for period beginning June 23 and ending July 1, 1934.

WMBH—Joplin Broadcasting Co., Joplin, Mo.—To operate from 2:30 to 7:30 p. m., CST, on June 10, and from 2 to 6 p. m., CST, June 6, 7, 8, 9, 11, 18, 19, 20, 21, 22, 23, 29, and 30, 1934. Also to operate from 9:30 to 11:30 p. m. CST, June 2.

WHDF—The Upper Michigan Broadcasting Co., Calumet, Mich.—To operate from 2 to 3:30 p. m., CST, June 3, and to operate from 8 to 9:30 p. m., CST, June 2, 9, 16, and 23.

KRMD—Radio Station KRMD, Inc., Shreveport, La.—To operate from 7:30 to 9 p. m., CST, June 3, 10, 17, and 24, 1934.

WBEO—The Lake Superior Broadcasting Co., Marquette, Mich.—To operate daily, except Sunday: 9:30 to 1:15 p. m., 5 to 7 p. m.; Sunday, 9 to 1:30 p. m., CDST, instead of CST, for period June 1 to September 1.

WCOC—Mississippi Broadcasting Co., Inc., Meridian, Miss.—To reduce hours of operation to specified, as follows: 7:30 to 9:45 a. m., 11 a. m. to 2 p. m., and 6 to 9 p. m., CST, for period of 60 days.

ACTION ON EXAMINERS' REPORTS

KRGV—Ex. Rep. No. 552: KRGV, Inc., Harlingen, Tex.—Granted modification of license to cbange hours of operation from sharing equally with KWWG to unlimited; **1260 kc.,** 500 watts, sustaining Examiner Geo. H. Hill.

KWWG—Frank P. Jackson, Brownsville, Tex.—Granted consent to voluntary assignment of license to Port Arthur College; **1260 kc.,** 500 watts, daytime only; also granted renewal of license, **1260 kc.,** 500 watts, daytime, reversing Examiner Hill.

KWWG—Port Arthur College, Port Arthur, Tex.—Granted C. P. to change location of studio and transmitter, reversing Examiner Hill.

NEW—Ex. Rep. No. 554: Walter B. Stiles, Inc., Muskegon, Mich.—Denied C. P. for new station to operate on **1310 kc.,** 100 watts, unlimited time, sustaining Examiner R. L. Walker.

WKBZ—Karl L. Ashbacker, Ludington, Mich.—Granted C. P. to move transmitter and studio from Ludington to Muskegon, Mich.; **1500 kc.,** 100 watts, unlimited time, sustaining Examiner Walker.

ORAL ARGUMENT GRANTED

The Commission en banc will hear oral argument in re Exp. Rep. No. 555, involving Station WJJD, Chicago, on June 13, 1934.

MISCELLANEOUS

Joseph Pappalardo, Lawrence, Mass.—Application for new broadcasting station redesignated for hearing.

WISN—American Radio News Corp., Milwaukee, Wis.—Granted modification of license to increase day power from 250 to 500 watts, night power to remain at 250 watts. This station now operates full time on **1120 kc.,** having recently acquired the facilities of WHAD, Marquette, Mich.

WDEL—WDEL, Inc., Wilmington, Del.—Modification of license, heretofore designated for hearing, was dismissed at request of applicant.

APPLICATIONS RECEIVED

First Zone

WOR—Bamberger Broadcasting Service, Inc., Newark, N. J.—Modification of construction permit (1-P-B-1492) to extend commencement and completion dates to 8-16-34 and 12-16-34, respectively.

WHDH—Matheson Radio Co., Inc., Boston, Mass.—Authority to determine operating power by direct antenna measurement.

WOV—International Broadcasting Corporation, New York, N. Y.—Construction permit to install directional antenna and change time from day to unlimited.

Second Zone

None.

Third Zone

WRGA—Rome Broadcasting Corp., Rome, Ga.—License to cover construction permit granted 4-27-34 to move transmitter locally.

WFBC—Greenville News-Piedmont Co., Greenville, S. C.—Construction permit to make equipment changes; change frequency from **1200 kc.** to **1300 kc.**; increase power from 100 watts, 250 watts LS, to 250 watts, 1 KW LS.

WTOC—Savannah Broadcasting Co., Inc., Savannah, Ga.—Construction permit to install temporary transmitter for 30 days (pending completion of new permanent transmitter) at Hotel DeSoto to operate on **1260 kc.,** power of 100 watts, unlimited time.

KRGV—KRGV, Inc., Weslaco, Tex.—License to cover construction permit granted 5-4-34 to make equipment changes and move studio and transmitter from Harlingen to Weslaco, Tex.

Fourth Zone

WWAE—Hammond-Calumet Broadcasting Corp., Hammond, Ind.—Construction permit to install new equipment.

WHA—University of Wisconsin, Madison, Wis.—Construction permit to make equipment changes and increase power from 1 KW to 2½ KW.

WJJD—WJJD, Inc., Chicago, Ill.—License to cover construction permit granted 4-27-34 to install new equipment.

WSBC—WSBC, Inc., Chicago, Ill.—License to cover construction permit granted 1-26-34 to change equipment.

Fifth Zone

NEW—B. J. Hecker, Salem, Ore.—Construction permit to erect new station to operate on **1330 kc.,** power of 500 watts, unlimited time. Facilities Station KWJJ.

KXL—KXL Broadcasters, Portland, Ore.—Construction permit to make equipment changes and increase power from 100 watts to 100 watts, 250 watts LS.

KTRB—Thomas R. McTammany and William H. Bates, Jr., Modesto, Calif.—License to cover construction permit granted 2-29-34 to erect new station.

KVI—Puget Sound Broadcasting Co., Inc., Tacoma, Wash.—Modification of license to increase nighttime power from 500 watts to 1 KW.

KECA—Earle C. Anthony, Inc., Los Angeles, Calif.—Construction permit to change transmitter locally, use auxiliary now licensed to KFI with some changes; increase power to 1 KW, 2½ KW LS. *Amended* to be considered under Rule 6(g).

NEW—E. B. Craney, Helena, Mont.—Construction permit to erect new station to operate on **1420 kc.,** power of 100 watts, unlimited time; to be considered under Rule 6.

APPLICATIONS RETURNED

NEW—Mason Dixon Radio Group, Inc., York, Pa.—Construction permit to erect new station to operate on **1310 kc.,** power of 100 watts, S-WRAW, facilities WGAL.

KIEV—Cannon System, Ltd., Glendale, Calif.—Modification of license to increase power to 500 watts. (Rule 6 and improper application form.)

NEW—J. E. Churchwell, G. O. Russell, H. O. Freeman, Jr., d/b as Panama City Broadcasting Co., Panama City, Fla.—Construction permit to erect new station to operate on **1010 kc.,** with power of 100 watts, daytime. Facilities: KGGF, KQW, WHN, WIS, WNAD, WQAD, and WRNY. (Rule 6, Section 14; power and transmitter site.)

NEW—J. E. Churchwell, G. O. Russell, H. O. Freeman, Jr., d/b as Panama City Broadcasting Co., Panama City, Fla.—Construction permit to erect new station to operate on **1010 kc.,** with power of 100 watts, daytime. Facilities: KGGF, KQW, WHN, WIS, WNAD, WQAD, and WRNY. (Rule 6, Section 14; power and transmitter site.)

NEW—Mrs. (V. E.) Bernice Gambill, Guthrie, Okla.—Construction permit to erect a new station to operate on **1270 kc.,** with power of 100 watts, daytime and S. H. (Rules 5 and 6; power; monitor; transmitter site.)

NEW—Wm. B. Harty, Dedham, Mass.—Construction permit to erect new station to operate on **1140 kc.,** power of 100 watts, S. H. (Frequency; transmitter site; equipment and jurat.)

KMTR—KMTR Radio Corporation, Los Angeles, Calif.—Modification of license to increase power from 500 watts to 1 KW. (Section 3.)

The National Association of Broadcasters

NATIONAL PRESS BUILDING ★ ★ ★ ★ ★ WASHINGTON, D. C.

PHILIP G. LOUCKS, Managing Director

NAB REPORTS

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TEXT OF COMMUNICATIONS COMMISSION BILL

Below is reproduced the complete text of the Federal Communications Commission Act of 1934 as agreed upon by the committee of conference of the Senate and House. The text is uncorrected as to punctuation and, in some instances, as to statement of language and should not be regarded as a finished draft:

Title I—General Provisions

Purposes of Act; Creation of Federal Communications Commission

SECTION 1. For the purposes of regulating interstate and foreign commerce in communication by wire and radio so as to make available, so far as possible, to all the people of the United States a rapid, efficient, Nation-wide, and world-wide wire and radio communication service with adequate facilities at reasonable charges, for the purpose of the national defense, and for the purpose of securing a more effective execution of this policy by centralizing authority heretofore granted by law to several agencies and by granting additional authority with respect to interstate and foreign commerce in wire and radio communication, there is hereby created a commission to be known as the "Federal Communications Commission," which shall be constituted as hereinafter provided, and which shall execute and enforce the provisions of this Act.

Application of Act

SEC. 2. (a) The provisions of this Act shall apply to all interstate and foreign communication by wire or radio and all interstate and foreign transmission of energy by radio, which originates and/or is received within the United States and to all persons engaged within the United States in such communication or such transmission of energy by radio, and to the licensing and regulating of all radio stations as hereinafter provided; but it shall not apply to persons engaged in wire or radio communication or transmission in the Philippine Islands or the Canal Zone, or to wire or radio communication or transmission wholly within the Philippine Islands or the Canal Zone.

(b) Subject to the provisions of section 301, nothing in this Act shall be construed to apply or to give the Commission jurisdiction with respect to (1) charges, classifications, practices, services, facilities, or regulations for or in connection with intrastate communication service of any carrier, or (2) any carrier engaged in interstate or foreign communication solely through physical connection with the facilities of another carrier not directly or indirectly controlling or controlled by, or under direct or indirect common control with, such carrier; except that sections 201 to 205 of this Act, both inclusive, shall, except as otherwise provided therein, apply to carriers described in clause (2).

Definitions

SEC. 3. For the purposes of this Act, unless the context otherwise requires—

(a) "Wire communication" or "communication by wire" means the transmission of writing, signs, signals, pictures, and sounds of all kinds by aid of wire, cable, or other like connection between the points of origin and reception of such transmission, including all instrumentalities, facilities, apparatus, and services (among other things, the receipt, forwarding, and delivery of communications) incidental to such transmission.

(b) "Radio communication" or "communication by radio" means the transmission by radio of writing, signs, signals, pictures, and sounds of all kinds, including all instrumentalities, facilities, apparatus, and services (among other things, the receipt, forwarding, and delivery of communications) incidental to such transmission.

(c) "Licensee" means the holder of a radio station license granted or continued in force under authority of this Act.

(d) "Transmission of energy by radio" or "radio transmission of energy" includes both such transmission and all instrumentalities, facilities, and services incidental to such transmission.

(e) "Interstate communication" or "interstate transmission" means communication or transmission (1) from any State, Territory, or possession of the United States (other than the Philippine Islands and the Canal Zone), or the District of Columbia, to any other State, Territory, or possession of the United States (other than the Philippine Islands and the Canal Zone), or the District of Columbia, (2) from or to the United States to or from the Philippine Islands or the Canal Zone, insofar as such communication or transmission takes place within the United States, or (3) between points within the United States but through a foreign country; but shall not include wire communication between points within the same State, Territory, or possession of the United States, or the District of Columbia, through any place outside thereof, if such communication is regulated by a State commission.

(f) "Foreign communication" or "foreign transmission" means communication or transmission from or to any place in the United States to or from a foreign country, or between a station in the United States and a mobile station located outside the United States.

(g) "United States" means the several States and Territories, the District of Columbia, and the possessions of the United States, but does not include the Philippine Islands or the Canal Zone.

(h) "Common carrier" or "carrier" means any person engaged as a common carrier for hire, in interstate or foreign communication by wire or radio or in interstate or foreign radio transmission of energy, except where reference is made to common carriers not subject to this Act; but a person engaged in radio broadcasting shall not, insofar as such person is so engaged, be deemed a common carrier.

(i) "Person" includes an individual, partnership, association, joint-stock company, trust, or corporation.

(j) "Corporation" includes any corporation, joint-stock company, or association.

(k) "Radio station" or "station" means a station equipped to engage in radio communication or radio transmission of energy.

(l) "Mobile station" means a radio-communication station capable of being moved and which ordinarily does move.

(m) "Land station" means a station, other than a mobile station, used for radio, communication with mobile stations.

(n) "Mobile service" means the radio-communication service carried on between mobile stations and land stations, and by mobile stations communicating among themselves.

(o) "Broadcasting" means the dissemination of radio, communications intended to be received by the public, directly or by the intermediary of relay stations.

(p) "Chain broadcasting" means simultaneous broadcasting of an identical program by two or more connected stations.

(q) "Amateur station" means a radio station operated by a duly authorized person interested in radio technique solely with a personal aim and without pecuniary interest.

(r) "Telephone exchange service" means service within a telephone exchange, or within a connected system of telephone exchanges within the same exchange area operated to furnish to subscribers intercommunicating service of the character ordinarily furnished by a single exchange, and which is covered by the exchange service charge.

(s) "Telephone toll service" means telephone service between stations in different exchange areas for which there is made a separate charge not included in contracts with subscribers for exchange service.

(t) "State commission" means the commission, board, or offi-

cial (by whatever name designated) which under the laws of any State has regulatory jurisdiction with respect to intrastate operations of carriers.

(u) "Connecting carrier" means a carrier described in clause (2) of section 2 (b).

(v) "State" includes the District of Columbia and the Territories and possessions.

Provisions Relating to the Commission

SEC. 4. (a) The Federal Communications Commission (in this Act referred to as the "Commission") shall be composed of seven commissioners appointed by the President, by and with the advice and consent of the Senate, one of whom the President shall designate as chairman.

(b) Each member of the Commission shall be a citizen of the United States. No member of the Commission or person in its employ shall be financially interested in the manufacture or sale of radio apparatus or of apparatus for wire or radio communication; in communication by wire or radio or in radio transmission of energy; in any company furnishing services of such apparatus to any company engaged in communication by wire or radio or to any company manufacturing or selling apparatus used for communication by wire or radio; or in any company owning stocks, bonds, or other securities of any such company; nor be in the employ of or hold any official relation to any person subject to any of the provisions of this Act, nor own stocks, bonds, or other securities of any corporation subject to any of the provisions of this Act. Such commissioners shall not engage in any other business, vocation, or employment. Not more than four commissioners shall be members of the same political party.

(c) The commissioners first appointed under this Act shall continue in office for the terms of one, two, three, four, five, six, and seven years, respectively, from the date of the taking effect of this Act, the term of each to be designated by the President, but their successors shall be appointed for terms of seven years; except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the commissioner whom he succeeds. No vacancy in the Commission shall impair the right of the remaining commissioners to exercise all the powers of the Commission.

(d) Each commissioner shall receive an annual salary of $10,000, payable in monthly installments.

(e) The principal office of the Commission shall be in the District of Columbia, where its general sessions shall be held; but whenever the convenience of the public or of the parties may be promoted or delay or expense prevented thereby, the Commission may hold special sessions in any part of the United States.

(f) Without regard to the civil-service laws or the Classification Act of 1923, as amended, (1) the Commission may appoint and prescribe the duties and fix the salaries of a secretary, a director for each division, a chief engineer and not more than three assistants, a general counsel and not more than three assistants, and temporary counsel designated by the Commission for the performance of special services, and (2) each commissioner may appoint and prescribe the duties of a secretary at an annual salary not to exceed $4,000 per annum. The general counsel and the chief engineer shall each receive an annual salary of not to exceed $9,000; the secretary shall receive an annual salary of not to exceed $7,500; the director of each division shall receive an annual salary of not to exceed $7,500; and no assistant shall receive an annual salary in excess of $7,500. The Commission shall have authority, subject to the provisions of the civil-service laws and the Classification Act of 1923, as amended, to appoint such other officers, engineers, inspectors, attorneys, examiners, and other employees as are necessary in the execution of its functions.

(g) The Commission may make such expenditures (including expenditures for rent and personal services at the seat of government and elsewhere, for office supplies, law books, periodicals, and books of reference, and for printing and binding) as may be necessary for the execution of the functions vested in the Commission and as from time to time may be appropriated for by Congress. All expenditures of the Commission, including all necessary expenses for transportation incurred by the commissioners or by their employees, under their orders, in making any investigation or upon any official business in any other places than in the city of Washington, shall be allowed and paid on the presentation of itemized vouchers therefor approved by the chairman of the Commission or by such other member or officer thereof as may be designated by the Commission for that purpose.

(h) Four members of the Commission shall constitute a quorum thereof. The Commission shall have an official seal which shall be judicially noticed.

(i) The Commission may perform any and all acts, make such rules and regulations, and issue such orders, not inconsistent with this Act, as may be necessary in the execution of its functions.

(j) The Commission may conduct its proceedings in such manner as will best conduce to the proper dispatch of business and to the ends of justice. No commissioner shall participate in any hearing or proceeding in which he has a pecuniary interest. Any party may appear before the Commission and be heard in person or by attorney. Every vote and official act of the Commission shall be entered of record, and its proceedings shall be public upon the request of any party interested. The Commission is authorized to withhold publication of records or proceedings containing secret information affecting the national defense.

(k) The Commission shall make an annual report to Congress, copies of which shall be distributed as are other reports transmitted to Congress. Such report shall contain such information and data collected by the Commission as may be considered of value in the determination of questions connected with the regulation of interstate and foreign wire and radio communication and radio transmission of energy, together with such recommendations as to additional legislation relating thereto as the Commission may deem necessary: Provided, That the Commission shall make a special report not later than February 1, 1935, recommending such amendments to this Act as it deems desirable in the public interest.

(l) All reports of investigations made by the Commission shall be entered of record, and a copy thereof shall be furnished to the party who may have complained, and to any common carrier or licensee that may have been complained of.

(m) The Commission shall provide for the publication of its reports and decisions in such form and manner as may be best adapted for public information and use, and such authorized publications shall be competent evidence of the reports and decisions of the Commission therein contained in all courts of the United States and of the several States without any further proof or authentication thereof.

(n) Rates of compensation of persons appointed under this section shall be subject to the reduction applicable to officers and employees of the Federal Government generally.

Divisions of the Commission

SEC. 5. (a) The Commission is hereby authorized by its order to divide the members thereof into not more than three divisions, each to consist of not less than three members. Any commissioner may be assigned to and may serve upon such division or divisions as the Commission may direct, and each division shall choose its own chairman. In case of a vacancy in any division, or of absence or inability to serve thereon of any commissioner thereto assigned, the chairman of the Commission or any commissioner designated by him for that purpose may temporarily serve on said division until the Commission shall otherwise order.

(b) The Commission may by order direct that any of its work, business, or functions arising under this Act, or under any other Act of Congress, or in respect of any matter which has been or may be referred to the Commission by Congress or by either branch thereof, be assigned or referred to any of said divisions for action thereon, and may by order at any time amend, modify, supplement, or rescind any such direction. All such orders shall take effect forthwith and remain in effect until otherwise ordered by the Commission.

(c) In conformity with and subject to the order or orders of the Commission in the premises, each division so constituted shall have power and authority by a majority thereof to hear and determine, order, certify, report, or otherwise act as to any of said work, business, or functions so assigned or referred to it for action by the Commission, and in respect thereof the division shall have all the jurisdiction and powers now or then conferred by law upon the Commission, and be subject to the same duties and obligations. Any order, decision, or report made or other action taken by any of said divisions in respect of any matters so assigned or referred to it shall have the same force and effect, and may be made, evidenced, and enforced in the same manner as if made, or taken by the Commission, subject to rehearing by the Commission as provided in section 405 of this Act for rehearing cases decided by the Commission. The secretary and seal of the Commission shall be the secretary and seal of each division thereof.

(d) Nothing in this section contained, or done pursuant thereto, shall be deemed to divest the Commission of any of its powers.

(e) The Commission is hereby authorized by its order to assign or refer any portion of its work, business, or functions arising under this or any other Act of Congress or referred to it by Congress, or either branch thereof, to an individual commissioner, or

to a board composed of an employee or employees of the Commission, to be designated by such order, for action thereon, and by its order at any time to amend, modify, supplement, or rescind any such assignment or reference: Provided, however, That this authority shall not extend to investigations instituted upon the Commission's own motion or, without the consent of the parties thereto, to contested proceedings involving the taking of testimony at public hearings, or to investigations specifically required by this Act. All such orders shall take effect forthwith and remain in effect until otherwise ordered by the Commission. In case of the absence or inability for any other reason to act of any such individual commissioner or employee designated to serve upon any such board, the chairman of the Commission may designate another commissioner or employee, as the case may be, to serve temporarily until the Commission shall otherwise order. In conformity with and subject to the order or orders of the Commission in the premises, any such individual commissioner, or board acting by a majority thereof, shall have power and authority to hear and determine, order, certify, report, or otherwise act as to any of said work, business, or functions so assigned or referred to him or it for action by the Commission and in respect thereof shall have all the jurisdiction and powers now or then conferred by law upon the Commission and be subject to the same duties and obligations. Any order, decision, or report made or other action taken by any such individual commissioner or board in respect of any matters so assigned or referred shall have the same force and effect, and may be made, evidenced, and enforced in the same manner as if made or taken by the Commission. Any party affected by any order, decision, or report of any such individual commissioner or board may file a petition for rehearing by the Commission or a division thereof and every such petition shall be passed upon by the Commission or a division thereof. Any action by a division upon such a petition shall itself be subject to rehearing by the Commission, as provided in section 405 of this Act and in subsection (c). The Commission may make and amend rules for the conduct of proceedings before such individual commissioner or board and for the rehearing of such action before a division of the Commission or the Commission. The secretary and seal of the Commission shall be the secretary and seal of such individual commissioner or board.

Title II—Common Carriers

Service and Charges

SEC. 201. (a) It shall be the duty of every common carrier engaged in interstate or foreign communication by wire or radio to furnish such communication service upon reasonable request therefor; and, in accordance with the orders of the Commission, in cases where the Commission, after opportunity for hearing, finds such action necessary or desirable in the public interest, to establish physical connections with other carriers, to establish through routes and charges applicable thereto and the divisions of such charges, and to establish and provide facilities and regulations for operating such through routes.

(b) All charges, practices, classifications, and regulations for and in connection with such communication service, shall be just and reasonable, and any such charge, practice, classification, or regulation that is unjust or unreasonable is hereby declared to be unlawful: Provided, That communications by wire or radio subject to this Act may be classified into day, night, repeated, unrepeated, letter, commercial, press, Government, and such other classes as the Commission may decide to be just and reasonable, and different charges may be made for the different classes of communications: Provided further, That nothing in this Act or in any other provision of law shall be construed to prevent a common carrier subject to this Act from entering into or operating under any contract with any common carrier not subject to this Act, for the exchange of their services, if the Commission is of the opinion that such contract is not contrary to the public interest.

Discrimination and Preferences

SEC. 202. (a) It shall be unlawful for any common carrier to make any unjust or unreasonable discrimination in charges, practices, classifications, regulations, facilities, or services for or in connection with like communication service, directly or indirectly, by any means or device, or to make or give any undue or unreasonable preference or advantage to any particular person, class of persons, or locality, or to subject any particular person, class of persons, or locality to any undue or unreasonable prejudice or disadvantage.

(b) Charges or services, whenever referred to in this Act, include charges for, or services in connection with, the use of wires in chain broadcasting or incidental to radio communication of any kind.

(c) Any carrier who knowingly violates the provisions of this section shall forfeit to the United States the sum of $500 for each such offense and $25 for each and every day of the continuance of such offense.

Schedules of Charges

SEC. 203. (a) Every common carrier, except connecting carriers, shall within such reasonable time as the Commission shall designate, file with the Commission and print and keep open for public inspection schedules showing all charges for itself and its connecting carriers for interstate and foreign wire or radio communication between the different points on its own system, and between points on its own system and points on the system of its connecting carriers or points on the system of any other carrier subject to this Act when a through route has been established, whether such charges are joint or separate, and showing the classifications, practices, and regulations affecting such charges. Such schedules shall contain such other information, and be printed in such form, and be posted and kept open for public inspection in such places, as the Commission may by regulation require, and each such schedule shall give notice of its effective date; and such common carrier shall furnish such schedules to each of its connecting carriers, and such connecting carriers shall keep such schedules open for inspection in such public places as the Commission may require.

(b) No change shall be made in the charges, classifications, regulations, or practices which have been so filed and published except after thirty days' notice to the Commission and to the public, which shall be published in such form and contain such information as the Commission may by regulations prescribe; but the Commission may, in its discretion and for good cause shown, modify the requirements made by or under authority of this section in particular instances or by a general order applicable to special circumstances or conditions.

(c) No carrier, unless otherwise provided by or under authority of this Act, shall engage or participate in such communication unless schedules have been filed and published in accordance with the provisions of this Act and with the regulations made thereunder; and no carrier shall (1) charge, demand, collect, or receive a greater or less or different compensation for such communication, or for any service in connection therewith, between the points named in any such schedule than the charges specified in the schedule then in effect, or (2) refund or remit, by any means or device any portion of the charges so specified, or (3) extend to any person any privileges or facilities in such commmunication, or employ or enforce any classifications, regulations, or practices affecting such charges, except as specified in such schedule.

(d) The Commission may reject and refuse to file any schedule entered for filing which does not provide and give lawful notice of its effective date. Any schedule so rejected by the Commission shall be void and its use shall be unlawful.

(e) In case of failure or refusal on the part of any carrier to comply with the provisions of this section or of any regulation or order made by the Commission thereunder, such carrier shall forfeit to the United States the sum of $500 for each such offense, and $25 for each and every day of the continuance of such offense.

Hearing as to Lawfulness of New Charges; Suspension

SEC. 204. Whenever there is filed with the Commission any new charge, classification, regulation, or practice, the Commission may either upon complaint or upon its own initiative without complaint, upon reasonable notice, enter upon a hearing concerning the lawfulness thereof; and pending such hearing and the decision thereon the Commission, upon delivering to the carrier or carriers affected thereby a statement in writing of its reasons for such suspension, may suspend the operation of such charge, classification, regulation, or practice, but not for a longer period than three months beyond the time when it would otherwise go into effect; and after full hearing the Commission may make such order with reference thereto as would be proper in a proceeding initiated after it had become effective. If the proceeding has not been concluded and an order made within the period of the suspension, the proposed change of charge, classification, regulation, or practice shall go into effect at the end of such period; but in case of a proposed increased charge, the Commission may by order require the

interested carrier or carriers to keep accurate account of all amounts received by reason of such increase, specifying by whom and in whose behalf such amounts are paid, and upon completion of the hearing and decision may by further order require the interested carrier or carriers to refund, with interest, to the persons in whose behalf such amounts were paid, such portion of such increased charges as by its decision shall be found not justified. At any hearing involving a charge increased, or sought to be increased, after the organization of the Commission, the burden of proof to show that the increased charge, or proposed increased charge, is just and reasonable shall be upon the carrier, and the Commission shall give to the hearing and decision of such questions preference over all other questions pending before it and decide the same as speedily as possible.

Commission Authorized to Prescribe Just and Reasonable Charges

SEC. 205. (a) Whenever, after full opportunity for hearing, upon a complaint or under an order for investigation and hearing made by the Commission on its own initiative, the Commission shall be of opinion that any charge, classification, regulation, or practice of any carrier or carriers is or will be in violation of any of the provisions of this Act, the Commission is authorized and empowered to determine and prescribe what will be the just and reasonable charge or the maximum or minimum, or maximum and minimum, charge or charges to be thereafter observed, and what classification, regulation, or practice is or will be just, fair, and reasonable, to be thereafter followed, and to make an order that the carrier or carriers shall cease and desist from such violation to the extent that the Commission finds that the same does or will exist, and shall not thereafter publish, demand, or collect any charge other than the charge so prescribed or in excess of the maximum or less than the minimum so prescribed, as the case may be, and shall adopt the classification and shall conform to and observe the regulation or practice so prescribed.

(b) Any carrier, any officer, representative, or agent of a carrier, or any receiver, trustee, lessee, or agent of either of them, who knowingly fails or neglects to obey any order made under the provisions of this section shall forfeit to the United States the sum of $1,000 for each offense. Every distinct violation shall be a separate offense, and in case of continuing violation each day shall be deemed a separate offense.

Liability of Carriers for Damages

SEC. 206. In case any common carrier shall do, or cause or permit to be done, any act, matter, or thing in this Act prohibited or declared to be unlawful, or shall omit to do any act, matter, or thing in this Act required to be done, such common carrier shall be liable to the person or persons injured thereby for the full amount of damages sustained in consequence of any such violation of the provisions of this Act, together with a reasonable counsel or attorney's fee, to be fixed by the court in every case of recovery, which attorney's fees shall be taxed and collected as part of the costs in the case.

Recovery of Damages

SEC. 207. Any person claiming to be damaged by any common carrier subject to the provisions of this Act may either make complaint to the Commission as hereinafter provided for, or may bring suit for the recovery of the damages for which such common carrier may be liable under the provisions of this Act, in any district court of the United States of competent jurisdiction; but such person shall not have the right to pursue both such remedies.

Complaints to the Commission

SEC. 208. Any person, any body politic or municipal organization, or State commission, complaining of anything done or omitted to be done by any common carrier subject to this Act, in contravention of the provisions thereof, may apply to said Commission by petition which shall briefly state the facts, whereupon a statement of the complaint thus made shall be forwarded by the Commission to such common carrier, who shall be called upon to satisfy the complaint or to answer the same in writing within a reasonable time to be specified by the Commission. If such common carrier within the time specified shall make reparation for the injury alleged to have been caused, the common carrier shall be relieved of liability to the complainant only for the particular violation of law thus complained of. If such carrier or carriers shall not satisfy the complaint within the time specified or there shall appear to be any reasonable ground for investigating said complaint, it shall be the duty of the Commission to investigate the matters complained of in such manner and by such means as it shall deem proper. No complaint shall at any time be dismissed because of the absence of direct damage to the complainant.

Orders for Payment of Money

SEC. 209. If, after hearing on a complaint, the Commission shall determine that any party complainant is entitled to an award of damages under the provisions of this Act, the Commission shall make an order directing the carrier to pay to the complainant the sum to which he is entitled on or before a day named.

Franks and Passes

SEC. 210. Nothing in this Act or in any other provision of law shall be construed to prohibit common carriers from issuling or giving franks to, or exchanging franks with each other for the use of, their officers, agents, employees, and their families, or, subject to such rules as the Commission may prescribe, from issuing, giving, or exchanging franks and passes to or with other common carriers not subject to the provisions of this Act, for the use of their officers, agents, employees, and their families. The term "employees," as used in this section, shall include furloughed, pensioned, and superannuated employees.

Copies of Contracts to Be Filed

SEC. 211. (a) Every carrier subject to this Act shall file with the Commission copies of all contracts, agreements, or arrangements with other carriers, or with common carriers not subject to the provisions of this Act, in relation to any traffic affected by the provisions of this Act to which it may be a party.

(b) The Commission shall have authority to require the filing of any other contracts of any carrier, and shall also have authority to exempt any carrier from submitting copies of such minor contracts as the Commission may determine.

Interlocking Directorates—Officials Dealing in Securities

SEC. 212. After sixty days from the enactment of this Act it shall be unlawful for any person to hold the position of officer or director of more than one carrier subject to this Act, unless such holding shall have been authorized by order of the Commission, upon due showing in form and manner prescribed by the Commission, that neither public nor private interests will be adversely affected thereby. After this section takes effect it shall be unlawful for any officer or director of any such carrier to receive for his own benefit, directly or indirectly, any money or thing of value in respect of negotiation, hypothecation, or sale of any securities issued or to be issued by such carrier, or to share in any of the proceeds thereof, or to participate in the making or paying of any dividends of such carrier from any funds properly included in capital account.

Valuation of Carrier Property

SEC. 213. (a) The Commission may from time to time, as may be necessary for the proper administration of this Act, and after opportunity for hearing, make a valuation of all or of any part of the property owned or used by any carrier subject to this Act, as of such date as the Commission may fix.

(b) The Commission may at any time require any such carrier to file with the Commission an inventory of all or of any part of the property owned or used by said carrier, which inventory shall show the units of said property classified in such detail, and in such manner, as the Commission shall direct, and shall show the estimated cost of reproduction new of said units, and their reproduction cost new less depreciation, as of such date as the Commission may direct; and such carrier shall file such inventory within such reasonable time as the Commission by order shall require.

(c) The Commission may at any time require any such carrier to file with the Commission a statement showing the original cost at the time of dedication to the public use of all or of any part of the property owned or used by said carrier. For the showing of such original cost said property shall be classified, and the original cost shall be defined, in such manner as the Commission may prescribe; and if any part of such cost cannot be determined from accounting or other records, the portion of the property for which such cost cannot be determined shall be reported to the Commission; and, if the Commission shall so direct, the original

cost thereof shall be estimated in such manner as the Commission may prescribe. If the carrier owning the property at the time such original cost is reported shall have paid more or less than the original cost to acquire the same, the amount of such cost of acquisition, and any facts which the Commission may require in connection therewith, shall be reported with such original cost. The report made by a carrier under this paragraph shall show the source or sources from which the original cost reported was obtained, and such other information as to the manner in which the report was prepared, as the Commission shall require.

(d) Nothing shall be included in the original cost reported for the property of any carrier under paragraph (c) of this section on account of any easement, license, or franchise granted by the United States or by any State or political subdivision thereof, beyond the reasonable necessary expense lawfully incurred in obtaining such easement, license, or franchise from the public authority aforesaid, which expense shall be reported separately from all other costs in such detail as the Commission may require; and nothing shall be included in any valuation of the property of any carrier made by the Commission on account of any such easement, license, or franchise, beyond such reasonable necessary expense lawfully incurred as aforesaid.

(e) The Commission, shall keep itself informed of all new construction, extensions, improvements, retirements, or other changes in the condition, quantity, use, and classification of the property of common carriers, and of the cost of all additions and betterments thereto and of all changes in the investment therein, and may keep itself informed of current changes in costs and values of carrier properties.

(f) For the purpose of enabling the Commission to make a valuation of any of the property of any such carrier, or to find the original cost of such property, or to find any other facts concerning the same which are required for use by the Commission, it shall be the duty of each such carrier to furnish to the Commission, within such reasonable time as the Commission may order, any information with respect thereto which the Commission may by order require, including copies of maps, contracts, reports of engineers, and other data, records, and papers, and to grant to all agents of the Commission free access to its property and its accounts, records, and memoranda whenever and wherever requested by any such duly authorized agent, and to cooperate with and aid the Commission in the work of making any such valuation or finding in such manner and to such extent as the Commission may require and direct, and all rules and regulations made by the Commission for the purpose of administering this section shall have the full force and effect of law. Unless otherwise ordered by the Commission, with the reasons therefor, the records and data of the Commission shall be open to the inspection and examination of the public. The Commission, in making any such valuation, shall be free to adopt any method of valuation which shall be lawful.

(g) Notwithstanding any provision of this Act the Interstate Commerce Commission, if requested to do so by the Commission, shall complete, at the earliest practicable date, such valuations of properties of carriers subject to this Act as are now in progress, and shall thereafter transfer to the Commission the records relating thereto.

(h) Nothing in this section shall impair or diminish the powers of any State commission.

Extension of Lines

Sec. 214. (a) No carrier shall undertake the construction of a new line or of an extension of any line, or shall acquire or operate any line, or extension thereof, or shall engage in transmission over or by means of such additional or extended line, unless and until there shall first have been obtained from the Commission a certificate that the present or future public convenience and necessity require or will require the construction, or operation, or construction and operation, of such additional or extended line: Provided, That no such certificate shall be required under this section for the construction, acquisition, operation, or extension of (1) a line within a single State unless said line constitutes part of an interstate line, (2) local, branch, or terminal lines not exceeding ten miles in length, or (3) any lines acquired under section 221 of this Act: Provided further, That the Commission may, upon appropriate request being made, authorize temporary or emergency service, or the supplementing of existing facilities, without regard to the provisions of this section.

(b) Upon receipt of an application for any such certificate the Commission shall cause notice thereof to be given to and a copy filed with the Governor of each State in which such additional or extended line is proposed to be constructed or operated, with the right to be heard as provided with respect to the hearing of complaints; and the Commission may require such published notice as it shall determine.

(c) The Commission shall have power to issue such certificate as prayed for, or to refuse to issue it, or to issue it for a portion or portions of a line, or extension thereof, described in the application, or for the partial exercise only of such right or privilege, and may attach to the issuance of the certificate such terms and conditions as in its judgment the public convenience and necessity may require. After issuance of such certificate, and not before, the carrier may, without securing approval other than such certificate, comply with the terms and conditions contained in or attached to the issuance of such certificate and proceed with the construction, acquisition, operation, or extension covered thereby. Any construction, acquisition, operation, or extension contrary to the provisions of this section may be enjoined by any court of competent jurisdiction at the suit of the United States, the Commission, the State commission, any State affected, or any party in interest.

(d) The Commission may, after full opportunity for hearing, in a proceeding upon complaint or upon its own initiative without complaint, authorize or require by order any carrier, party to such proceeding, to provide itself with adequate facilities for performing its service as a common carrier and to extend its line; but no such authorization or order shall be made unless the Commission finds, as to such extension, that it is reasonably required in the interest of public convenience and necessity, or as to such extension or facilities that the expense involved therein will not impair the ability of the carrier to perform its duty to the public. Any carrier which refuses or neglects to comply with any order of the Commission made in pursuance of this paragraph shall forfeit to the United States $100 for each day during which such refusal or neglect continues.

Transactions Relating to Services, Equipment, and so forth

Sec. 215. (a) The Commission shall examine into transactions entered into by any common carrier which relate to the furnishing of equipment, supplies, research, services, finances, credit, or personnel to such carrier and/or which may affect the charges made or to be made and/or the services rendered or to be rendered by such carrier, in wire or radio communication subject to this Act, and shall report to the Congress whether any such transactions have affected or are likely to affect adversely the ability of the carrier to render adequate service to the public, or may result in any undue or unreasonable increase in charges or in the maintenance of undue or unreasonable charges for such service; and in order to fully examine into such transactions the Commission shall have access to and the right of inspection and examination of all accounts, records, and memoranda, including all documents, papers, and correspondence now or hereafter existing, or persons furnishing such equipment, supplies, research, services, finances, credit, or personnel. The Commission shall include in its report its recommendations for necessary legislation in connection with such transactions, and shall report specifically whether in its opinion legislation should be enacted (1) authorizing the Commission to declare any such transactions void or to permit such transactions to be carried out subject to such modification of their terms and conditions as the Commission shall deem desirable in the public interest; and/or (2) subjecting such transactions to the approval of the Commission where the person furnishing or seeking to furnish the equipment, supplies, research, services, finances, credit, or personnel is a person directly or indirectly controlling or controlled by, or under direct or indirect common control with, such carrier; and/or (3) authorizing the Commission to require that all or any transactions of carriers involving the furnishing of equipment, supplies, research, services, finances, credit, or personnel to such carrier be upon competitive bids on such terms and conditions and subject to such regulations as it shall prescribe as necessary in the public interest.

(b) The Commission shall investigate the methods by which and the extent to which wire telephone companies are furnishing wire telegraph service and wire telegraph companies are furnishing wire telephone service, and shall report its findings to Congress, together with its recommendations as to whether additional legislation on this subject is desirable.

(c) The Commission shall examine all contracts of common carriers subject to this Act which prevent the other party thereto from dealing with another common carrier subject to this Act,

and shall report its findings to Congress, together with its recommendations as to whether additional legislation on this subject is desirable.

Application of Act to Receivers and Trustees

SEC. 216. The provisions of this Act shall apply to all receivers and operating trustees of carriers subject to this Act to the same extent that it applies to carriers.

Liability of Carrier for Acts and Omissions of Agents

SEC. 217. In construing and enforcing the provisions of this Act, the act, omission, or failure of any officer, agent, or other person acting for or employed by any common carrier or user, acting within the scope of his employment, shall in every case be also deemed to be the act, omission, or failure of such carrier or user as well as that of the person.

Inquiries Into Management

SEC. 218. The Commission may inquire into the management of the business of all carriers subject to this Act, and shall keep itself informed as to the manner and method in which the same is conducted and as to technical developments and improvements in wire and radio communication and radio transmission of energy to the end that the benefits of new inventions and developments may be made available to the people of the United States. The Commission may obtain from such carriers and from persons directly or indirectly controlling or controlled by, or under direct or indirect common control with, such carriers full and complete information necessary to enable the Commission to perform the duties and carry out the objects for which it was created.

Annual and Other Reports

SEC. 219. (a) The Commission is authorized to require annual reports under oath from all carriers subject to this Act, and from persons directly or indirectly controlling or controlled by, or under direct or indirect common control with, any such carrier, to prescribe the manner in which such reports shall be made, and to require from such persons specific answers to all questions upon which the Commission may need information. Such annual reports shall show in detail the amount of capital stock issued, the amount and privileges of each class of stock, the amounts paid therefor, and the manner of payment for the same; the dividends paid and the surplus fund, if any; the number of stockholders (and the names of the thirty largest holders of each class of stock and the amount held by each); the funded and floating debts and the interest paid thereon; the cost and value of the carrier's property, franchises, and equipments; the number of employees and the salaries paid each class; the names of all officers and directors, and the amount of salary, bonus, and all other compensation paid to each; the amounts expended for improvements each year, how expended, and the character of such improvements; the earnings and receipts from each branch of business and from all sources; the operating and other expenses; the balances of profit and loss; and a complete exhibit of the financial operations of the carrier each year, including an annual balance sheet. Such reports shall also contain such information in relation to charges or regulations concerning charges, or agreements, arrangements, or contracts affecting the same, as the Commission may require.

(b) Such reports shall be for such twelve months' period as the Commission shall designate and shall be filed with the Commission at its office in Washington within three months after the close of the year for which the report is made, unless additional time is granted in any case by the Commission; and if any person subject to the provisions of this section shall fail to make and file said annual reports within the time above specified, or within the time extended by the Commission, for making and filing the same, or shall fail to make specific answer to any question authorized by the provisions of this section within thirty days from the time it is lawfully required so to do, such person shall forfeit to the United States the sum of $100 for each and every day it shall continue to be in default with respect thereto. The Commission may by general or special orders require any such carriers to file monthly reports of earnings and expenses and to file periodical and/or special reports concerning any matters with respect to which the Commission is authorized or required by law to act; and such periodical or special reports shall be under oath whenever the Commission so requires. If any such carrier shall fail to make and file any such periodical or special report within the time fixed by the Commission, it shall be subject to the forfeitures above provided.

Accounts, Records, and Memoranda; Depreciation Charges

SEC. 220. (a) The Commission may, in its discretion, prescribe the forms of any and all accounts, records, and memoranda to be kept by carriers subject to this Act, including the accounts, records, and memoranda of the movement of traffic, as well as of the receipts and expenditures of moneys.

(b) The Commission shall, as soon as practicable, prescribe for such carriers the classes of property for which depreciation charges may be properly included under operating expenses, and the percentages of depreciation which shall be charged with respect to each of such classes of property, classifying the carriers as it may deem proper for this purpose. The Commission may, when it deems necessary, modify the classes and percentages so prescribed. Such carriers shall not, after the Commission has prescribed the classes of property for which depreciation charges may be included, charge to operating expenses any depreciation charges on classes of property other than those prescribed by the Commission, or, after the Commission has prescribed percentages of depreciation, charge with respect to any class of property a percentage of depreciation other than that prescribed therefor by the Commission. No such carrier shall in any case include in any form under its operating or other expenses any depreciation or other charge or expenditure included elsewhere as a depreciation charge or otherwise under its operating or other expenses.

(c) The Commission shall at all times have access to and the right of inspection and examination of all accounts, records, and memoranda, including all documents, papers, and correspondence now or hereafter existing, and kept or required to be kept by such carriers, and the provisions of this section respecting the preservation and destruction of books, papers, and documents shall apply thereto. The burden of proof to justify every accounting entry questioned by the Commission shall be on the person making, authorizing, or requiring such entry and the Commission may suspend a charge or credit pending submission of proof by such person. Any provision of law prohibiting the disclosure of the contents of messages or communications shall not be deemed to prohibit the disclosure of any matter in accordance with the provisions of this section.

(d) In case of failure or refusal on the part of any such carrier to keep such accounts, records, and memoranda on the books and in the manner prescribed by the Commission, or to submit such accounts, records, memoranda, documents, papers, and correspondence as are kept to the inspection of the Commission or any of its authorized agents, such carrier shall forfeit to the United States the sum of $500 for each day of the continuance of each such offense.

(e) Any person who shall willfully make any false entry in the accounts of any book of accounts or in any record or memoranda kept by any such carrier, or who shall willfully destroy, mutilate, alter, or by any other means or device falsify any such account, record, or memoranda, or who shall willfully neglect or fail to make full, true, and correct entries in such accounts, records, or memoranda of all facts and transactions appertaining to the business of the carrier, shall be deemed guilty of a misdemeanor, and shall be subject, upon conviction, to a fine of not less than $1,000 nor more than $5,000 or imprisonment for a term of not less than one year nor more than three years, or both such fine and imprisonment: Provided, That the Commission may in its dicretion issue orders specifying such operating, accounting, or financial papers, records, books, blanks or documents which may, after a reasonable time, be destroyed, and prescribing the length of time such books, papers, or documents shall be preserved.

(f) No member, officer, or employee of the Commission shall divulge any fact or information which may come to his knowledge during the course of examination of books or other accounts, as hereinbefore provided, except insofar as he may be directed by the Commission or by a court.

(g) After the Commission has prescribed the forms and manner of keeping of accounts, records, and memoranda to be kept by any person as herein provided, it shall be unlawful for such person to keep any other accounts, records, or memoranda than those so prescribed or such as may be approved by the Commission or to keep the accounts in any other manner than that prescribed or approved by the Commission. Notice of alterations by the Commission in the required manner or form of keeping accounts shall be given to such persons by the Commission at least six months before the same are to take effect.

(h) The Commission may classify carriers subject to this Act and prescribe different requirements under this section for different classes of carriers, and may, if it deems such action consistent

with the public interest, except the carriers of any particular class or classes in any State from any of the requirements under this section in cases where such carriers are subject to State commission regulation with respect to matters to which this section relates.

(i) The Commission, before prescribing any requirements as to accounts, records, or memoranda, shall notify each State commission having jurisdiction with respect to any carrier involved, and shall give reasonable opportunity to each such commission to present its views, and shall receive and consider such views and recommendations.

(j) The Commission shall investigate and report to Congress as to the need of legislation to define further or harmonize the powers of the Commission and of State commissions with respect to matters to which this section relates.

Special Provisions Relating to Telephone Companies

SEC. 221. (a) Upon application of one or more telephone companies for authority to consolidate their properties or a part thereof into a single company, or for authority for one or more such companies to acquire the whole or any part of the property of another telephone company or other telephone companies or the control thereof by the purchase of securities or by lease or in any other like manner, when such consolidated company would be subject to this Act, the Commission shall fix a time and place for a public hearing upon such application and shall thereupon give reasonable notice in writing to the Governor of each of the States in which the physical property affected, or any part thereof, is situated, and to the State commission having jurisdiction over telephone companies, and to such other persons as it may deem advisable. After such public hearing, if the Commission finds that the proposed consolidation, acquisition, or control will be of advantage to the persons to whom service is to be rendered and in the public interest, it shall certify to that effect; and thereupon any Act or Acts of Congress making the proposed transaction unlawful shall not apply. Nothing in this subsection shall be construed as in any wise limiting or restricting the powers of the several States to control and regulate telephone companies.

(b) Nothing in this Act shall be construed to apply, or to give the Commission jurisdiction, with respect to charges, classifications, practices, services, facilities, or regulations for or in connection with wire telephone exchange service, even though a portion of such exchange service constitutes interstate or foreign communication, in any case where such matters are subject to regulation by a State commission or by local governmental authority.

(c) For the purpose of administering this Act as to carriers engaged in wire telephone communication, the Commission may classify the property of any such carrier used for wire telephone communication, and determine what property of said carrier shall be considered as used in interstate or foreign telephone toll service. Such classification shall be made after hearing, upon notice to the carrier, the State commission (or the Governor, if the State has no State commission) of any State in which the property of said carrier is located, and such other persons as the Commission may prescribe.

(d) In making a valuation of the property of any wire telephone carrier the Commission, after making the classification authorized in this section, may in its discretion value only that part of the property of such carrier determined to be used in interstate or foreign telephone toll service.

Title III—Special Provisions Relating to Radio

License for Radio Communication or Transmission of Energy

SEC. 301. It is the purpose of this Act, among other things, to maintain the control of the United States over all the channels of interstate and foreign radio transmission; and to provide for the use of such channels, but not the ownership thereof, by persons for limited periods of time, under licenses granted by Federal authority, and no such license shall be construed to create any right, beyond the terms, conditions, and periods of the license. No person shall use or operate any apparatus for the transmission of energy or communications or signals by radio (a) from one place in any Territory or possession of the United States or in the District of Columbia to another place in the same Territory, possession, or District; or (b) from any State, Territory, or possession of the United States, or from the District of Columbia to any other State, Territory, or possession of the United States; or (c) from any place in any State, Territory, or possession of the United States, or in the District of Columbia, to any place in any foreign country or to any vessel; or (d) within any State when the effects of such use extend beyond the borders of said State, or when interference is caused by such use or operation with the transmission of such energy, communications, or signals from within said State to any place beyond its borders, or from any place beyond its borders to any place within said State, or with the transmission or reception of such energy, communications, or signals from and/or to places beyond the borders of said State; or (e) upon any vessel or aircraft of the United States; or (f) upon any other mobile stations within the jurisdiction of the United States, except under and in accordance with this Act and with a license in that behalf granted under the provisions of this Act.

Zones

SEC. 302. (a) For the purposes of this title the United States is divided into five zones, as follows: The first zone shall embrace the States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Maryland, and the District of Columbia; the second zone shall embrace the States of Pennsylvania, Virginia, West Virginia, Ohio, Michigan, and Kentucky; the third zone shall embrace the States of North Carolina, South Carolina, Georgia, Florida, Alabama, Tennessee, Mississippi, Arkansas, Louisiana, Texas, and Oklahoma; the fourth zone shall embrace the States of Indiana, Illinois, Wisconsin, Minnesota, North Dakota, South Dakota, Iowa, Nebraska, Kansas, and Missouri; and the fifth zone shall embrace the States of Montana, Idaho, Wyoming, Colorado, New Mexico, Arizona, Utah, Nevada, Washington, Oregon, and California.

(b) The Virgin Islands, Puerto Rico, Alaska, Guam, American Samoa, and the Territory of Hawaii are expressly excluded from the zones herein established.

General Powers of Commission

SEC. 303. Except as otherwise provided in this Act, the Commission from time to time, as public convenience, interest, or necessity requires, shall—

(a) Classify radio stations;

(b) Prescribe the nature of the service to be rendered by each class of licensed stations and each station within any class;

(c) Assign bands of frequencies to the various classes of stations, and assign frequencies for each individual station and determine the power which each station shall use and the time during which it may operate;

(d) Determine the location of classes of stations or individual stations;

(e) Regulate the kind of apparatus to be used with respect to its external effects and the purity and sharpness of the emissions from each station and from the apparatus therein;

(f) Make such regulations not inconsistent with law as it may deem necessary to prevent interference between stations and to carry out the provisions of this Act: Provided, however, That changes in the frequencies, authorized power, or in the times of operation of any station, shall not be made without the consent of the station licensee unless, after a public hearing, the Commission shall determine that such changes will promote public convenience or interest or will serve public necessity, or the provisions of this Act will be more fully complied with;

(g) Study new uses for radio, provide for experimental uses of frequencies, and generally encourage the larger and more effective use of radio in the public interest;

(h) Have authority to establish areas or zones to be served by any station;

(i) Have authority to make special regulations applicable to radio stations engaged in chain broadcasting;

(j) Have authority to make general rules and regulations requiring stations to keep such records of programs, transmissions of energy, communications, or signals as it may deem desirable.

(k) Have authority to exclude from the requirements of any regulations in whole or in part any radio station upon railroad rolling stock, or to modify such regulations in its discretion;

(l) Have authority to prescribe the qualifications of station operators, to classify them according to the duties to be performed, to fix the forms of such licenses, and to issue them to such citizens of the United States as the Commission finds qualified.

(m) Have authority to suspend the license of any operator for a period not exceeding two years upon proof sufficient to satisfy the Commission that the licensee (1) has violated any provision of any Act or treaty binding on the United States which the Commission is authorized by this Act to administer or any regulation made by the Commission under any such Act or treaty;

or (2) has failed to carry out the lawful orders of the master of the vessel on which he is employed; or (3) has willfully damaged or permitted radio apparatus to be damaged; or (4) has transmitted superfluous radio communications or signals or radio communications containing profane or obscene words or language; or (5) has willfully or maliciously interfered with any other radio communications or signals;

(n) Have authority to inspect all transmitting apparatus to ascertain whether in construction and operation it conforms to the requirements of this Act, the rules and regulations of the Commission, and the license under which it is constructed or operated;

(o) Have authority to designate call letters of all stations;

(p) Have authority to cause to be published such call letters and such other announcements and data as in the judgment of the Commission may be required for the efficient operation of radio stations subject to the jurisdiction of the United States and for the proper enforcement of this Act;

(q) Have authority to require the painting and/or illumination of radio towers if and when in its judgment such towers constitute, or there is a reasonable possibility that they may constitute, a menace to air navigation.

Waiver by Licensee

SEC. 304. No station license shall be granted by the Commission until the applicant therefor shall have signed a waiver of any claim to the use of any particular frequency or of the ether as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise.

Government-Owned Stations

SEC. 305. (a) Radio stations belonging to and operated by the United States shall not be subject to the provisions of sections 301 and 303 of this Act. All such Government stations shall use such frequencies as shall be assigned to each or to each class by the President. All such stations, except stations on board naval and other Government vessels while at sea or beyond the limits of the continental United States, when transmitting any radio communication or signal other than a communication or signal relating to Government business, shall conform to such rules and regulations designed to prevent interference with other radio stations and the rights of others as the Commission may prescribe.

(b) Radio stations on board vessels of the United States Shipping Board Bureau or the United States Shipping Board Merchant Fleet Corporation or the Inland and Coastwise Waterways Service shall be subject to the provisions of this title.

(c) All stations owned and operated by the United States, except mobile stations of the Army of the United States, and all other stations on land and sea, shall have special call letters designated by the Commission.

Foreign Ships

SEC. 306. Section 301 of this Act shall not apply to any person sending radio communications or signals on a foreign ship while the same is within the jurisdiction of the United States, but such communications or signals shall be transmitted only in accordance with such regulations designed to prevent interference as may be promulgated under the authority of this Act.

Allocation of Facilities; Term of Licenses

SEC. 307. (a) The Commission, if public convenience, interest, or necessity will be served thereby, subject to the limitations of this Act, shall grant to any applicant therefor a station license provided for by this Act.

(b) It is hereby declared that the people of all the zones established by this title are entitled to equality of radio broadcasting service, both of transmission and of reception, and in order to provide said equality the Commission shall as nearly as possible make and maintain an equal allocation of broadcasting licenses, of bands of frequency, of periods of time for operation, and of station power, to each of said zones when and insofar as there are applications therefor; and shall make a fair and equitable allocation of licenses, frequencies, time for operation, and station power to each of the States and the District of Columbia, within each zone, according to population. The Commission shall carry into effect the equality of broadcasting service hereinbefore directed, whenever necessary or proper, by granting or refusing licenses or renewals of licenses, by changing periods of time for operation, and by increasing or decreasing station power, when applications are made for licenses or renewals of licenses: Provided, That if and when there is a lack of applications from any zone for the proportionate share of licenses, frequencies, time of operation, or station power to which such zone is entitled, the Commission may issue licenses for the balance of the proportion not applied for from any zone, to applicants from other zones for a temporary period of ninety days each, and shall specifically designate that said apportionment is only for said temporary period. Allocations shall be charged to the State or District wherein the studio of the station is located and not where the transmitter is located: Provided further, That the Commission may also grant applications for additional licenses for stations not exceeding one hundred watts of power if the Commission finds that such stations will serve the public convenience, interest, or necessity, and that their operation will not interfere with the fair and efficient radio service of stations licensed under the provisions of this section.

(c) The Commission shall study the proposal that Congress by statute allocate fixed percentages of radio broadcasting facilities to particular types or kinds of non-profit radio programs or to persons identified with particular types or kinds of non-profit activities, and shall report to Congress, not later than February 1, 1935, its recommendations together with the reasons for the same.

(d) No license granted for the operation of a broadcasting station shall be for a longer term than three years and no license so granted for any other class of station shall be for a longer term than five years, and any license granted may be revoked as hereinafter provided. Upon the expiration of any license, upon application therefor, a renewal of such license may be granted from time to time for a term of not to exceed three years in the case of broadcasting licenses and not to exceed five years in the case of other licenses, but action of the Commission with reference to the granting of such application for the renewal of a license shall be limited to and governed by the same considerations and practice which affect the granting of original applications.

(e) No renewal of an existing station license shall be granted more than thirty days prior to the expiration of the original license.

Applications for Licenses; Conditions in License for Foreign Communication

SEC. 308. (a) The Commission may grant licenses, renewal of licenses, and modification of licenses only upon written application therefor received by it: Provided, however, That in cases of emergency found by the Commission, licenses, renewals of licenses, and modifications of licenses, for stations on vessels or aircraft of the United States, may be issued under such conditions as the Commission may impose, without such formal application. Such licenses, however, shall in no case be for a longer term than three months: Provided further, That the Commission may issue by cable, telegraph, or radio a permit for the operation of a station on a vessel of the United States at sea, effective in lieu of a license until said vessel shall return to a port of the continental United States.

(b) All such applications shall set forth such facts as the Commission by regulation may prescribe as to the citizenship, character, and financial, technical, and other qualifications of the applicant to operate the station; the ownership and location of the proposed station and of the stations, if any, with which it is proposed to communicate; the frequencies and the power desired to be used; the hours of the day or other periods of time during which it is proposed to operate the station; the purposes for which the station is to be used; and such other information as it may require. The Commission, at any time after the filing of such original application and during the term of any such license, may require from an applicant or licensee further written statements of fact to enable it to determine whether such original application should be granted or denied or such license revoked. Such application and/or such statement of fact shall be signed by the applicant and/or licensee under oath or affirmation.

(c) The Commission in granting any license for a station intended or used for commercial communication between the United States or any Territory or possession, continental or insular, subject to the jurisdiction of the United States, and any foreign country, may impose any terms, conditions, or restrictions authorized to be imposed with respect to submarine-cable licenses by section 2 of an Act entitled "An Act relating to the landing and the operation of submarine cables in the United States," approved May 24, 1921.

Hearings on Applications for Licenses; Form of Licenses; Conditions Attached to Licenses

SEC. 309. (a) If upon examination of any application for a station license or for the renewal or modification of a station license

the Commission shall determine that public interest, convenience, or necessity would be served by the granting thereof, it shall authorize the issuance, renewal, or modification thereof in accordance with said finding. In the event the Commission upon examination of any such application does not reach such decision with respect thereto, it shall notify the applicant thereof, shall fix and give notice of a time and place for hearing thereon, and shall afford such applicant an opportunity to be heard under such rules and regulations as it may prescribe.

(b) Such station licenses as the Commission may grant shall be in such general form as it may prescribe, but each license shall contain, in addition to other provisions, a statement of the following conditions to which such license shall be subject:

(1) The station license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized therein.

(2) Neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of this Act.

(3) Every license issued under this Act shall be subject in terms to the right of use or control conferred by section 606 hereof.

Limitation on Holding and Transfer of Licenses

SEC. 310. (a) The station license required hereby shall not be granted to or held by—

(1) Any alien or the representative of any alien;

(2) Any foreign government or the representative thereof;

(3) Any corporation organized under the laws of any foreign government;

(4) Any corporation of which any officer or director is an alien or of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof, or by any corporation organized under the laws of a foreign country;

(5) Any corporation directly or indirectly controlled by any other corporation of which any officer or more than one-fourth of the directors are aliens, or of which more than one-fourth of the capital stock is owned of record or voted, after June 1, 1935, by aliens, their representatives, or by a foreign government or representative thereof, or by any corporation organized under the laws of a foreign country, if the Commission finds that the public interest will be served by the refusal or the revocation of such license.

Nothing in this subsection shall prevent the licensing of radio apparatus on board any vessel, aircraft, or other mobile station of the United States when the installation and use of such apparatus is required by Act of Congress or any treaty to which the United States is a party.

(b) The station license required hereby, the frequencies authorized to be used by the licensee, and the rights therein granted shall not be transferred, assigned, or in any manner either voluntarily or involuntarily disposed of, or indirectly by transfer of control of any corporation holding such license, to any person, unless the Commission shall, after securing full information, decide that said transfer is in the public interest, and shall give its consent in writing.

Refusal of Licenses and Permits in Certain Cases

SEC. 311. The Commission is hereby directed to refuse a station license and/or the permit hereinafter required for the construction of a station to any person (or to any person directly or indirectly controlled by such person) whose license has been revoked by a court under section 313, and is hereby authorized to refuse such station license and/or permit to any other person (or to any person directly or indirectly controlled by such person) which has been finally adjudged guilty by a Federal court of unlawfully monopolizing or attempting unlawfully to monopolize, radio communication, directly or indirectly, through the control of the manufacture or sale of radio apparatus, through exclusive traffic arrangements, or by any other means, or to have been using unfair methods of competition. The granting of a license shall not estop the United States or any person aggrieved from proceeding against such person for violating the law against unfair methods of competition or for a violation of the law against unlawful restraints and monopolies and/or combinations, contracts, or agreements in restraint of trade, or from instituting proceedings for the dissolution of such corporation.

Revocation of Licenses

SEC. 312. (a) Any station license may be revoked for false statements either in the application or in the statement of fact which may be required by section 308 hereof, or because of conditions revealed by such statements of fact as may be required from time to time which would warrant the Commission in refusing to grant a license on an original application, or for failure to operate substantially as set forth in the license, or for violation of or failure to observe any of the restrictions and conditions of this Act or of any regulation of the Commission authorized by this Act or by a treaty ratified by the United States: Provided, however, That no such order of revocation shall take effect until fifteen days' notice in writing thereof, stating the cause for the proposed revocation, has been given to the licensee. Such licensee may make written application to the Commission at any time within said fifteen days for a hearing upon such order, and upon the filing of such written application said order of revocation shall stand suspended until the conclusion of the hearing conducted under such rules as the Commission may prescribe. Upon the conclusion of said hearing the Commission may affirm, modify, or revoke said order of revocation.

(b) Any station license hereafter granted under the provisions of this Act or the construction permit required hereby and hereafter issued, may be modified by the Commission either for a limited time or for the duration of the term thereof, if in the judgment of the Commission such action will promote the public interest, convenience, and necessity, or the provisions of this Act or of any treaty ratified by the United States will be more fully complied with: Provided, however, That no such order of modification shall become final until the holder of such outstanding license or permit shall have been notified in writing of the proposed action and the grounds or reasons therefor and shall have been given reasonable opportunity to show cause why such an order of modification should not issue.

Application of Antitrust Laws

SEC. 313. All laws of the United States relating to unlawful restraints and monopolies and to combinations, contracts, or agreements in restraint of trade are hereby declared to be applicable to the manufacture and sale of and to trade in radio apparatus and devices entering into or affecting interstate or foreign commerce and to interstate or foreign radio communications. Whenever in any suit, action, or proceeding, civil or criminal, brought under the provisions of any of said laws or in any proceedings brought to enforce or to review findings and orders of the Federal Trade Commission or other governmental agency in respect of any matters as to which said Commission or other governmental agency is by law authorized to act, any licensee shall be found guilty of the violation of the provisions of such laws or any of them, the court, in addition to the penalties imposed by said laws, may adjudge, order, and/or decree that the license of such licensee shall, as of the date the decree of judgment becomes finally effective or as of such other date as the said decree shall fix, be revoked and that all rights under such license shall thereupon cease: Provided, however, That such licensee shall have the same right of appeal or review as is provided by law in respect of other decrees and judgments of said court.

Preservation of Competition in Commerce

SEC. 314. After the effective date of this Act no person engaged directly, or indirectly through any person directly or indirectly controlling or controlled by, or under direct or indirect common control with, such person, or through an agent, or otherwise, in the business of transmitting and/or receiving for hire energy, communications, or signals by radio in accordance with the terms of the license issued under this Act, shall by purchase, lease, construction, or otherwise, directly or indirectly, acquire, own, control, or operate any cable or wire telegraph or telephone line or system, between any place in any State, Terirtory, or possession of the United States or in the District of Columbia, and any place in any foreign country, or shall acquire, own, or control any part of the stock or other capital share or any interest in the physical property and/or other assets of any such cable, wire, telegraph, or telephone line or system, if in either case the purpose is and/or the effect thereof may be to substantially lessen competition or to restrain commerce between any place in any State, Territory, or possession of the United States, or in the District of Columbia, and any place in any foreign country, or unlawfully to create monopoly in any line of commerce; nor shall any person engaged directly, or indirectly through any person directly or indirectly controlling or controlled by, or under direct or indirect common control with, such person, or through an agent, or otherwise, in the business of transmitting and/or receiving for hire messages by any cable, wire, telegraph, or telephone line or system (a) between any place in any

State, Territory, or possession of the United States, or in the District of Columhia, and any place in any other State, Territory, or possession of the United States; or (h) hetween any place in any State, Territory, or possession of the United States, or the District of Columhia, and any place in any foreign country, by purchase, lease, construction, or otherwise, directly or indirectly acquire, own, control, or operate any station or the apparatus therein, or any system for transmitting and/or receiving radio communications or signals between any place in any State, Territory, or possession of the United States, or in the District of Columhia, and any place in any foreign country, or shall acquire, own, or control any part of the stock or other capital share or any interest in the physical property and/or other assets of any such radio station, apparatus, or system, if in either case the purpose is and/or the effect thereof may he to suhstantially lessen competition or to restrain commerce hetween any place in any State, Territory, or possession of the United States, or in the District of Columhia, and any place in any foreign country, or unlawfully to create monopoly in any line of commerce.

Facilities for Candidates for Public Office

SEC. 315. If any licensee shall permit any person who is a legally qualified candidate for any public office to use a broadcasting station, he shall afford equal opportunities to all other such candidates for that office in the use of such broadcasting station, and the Commission shall make rules and regulations to carry this provision into effect: Provided, That such licensee shall have no power of censorship over the material broadcast under the provisions of this section. No ohligation is herehy imposed upon any licensee to allow the use of its station by any such candidate.

Lotteries and Other Similar Schemes

SEC. 316. No person shall broadcast by means of any radio station for which a license is required hy any law of the United States, and no person operating any such station shall knowingly permit the hroadcasting of, any advertisement of or information concerning any lottery, gift enterprise, or similar scheme, offering prizes dependent in whole or in part upon lot or chance, or any list of the prizes drawn or awarded by means of any such lottery, gift enterprise, or scheme, whether said list contains any part or all of such prizes. Any person violating any provision of this section shall, upon conviction thereof, he fined not more than $1,000 or imprisoned not more than one year, or both, for each and every day during which such offense occurs.

Announcement That Matter Is Paid For

SEC. 317. All matter broadcast by any radio station for which service, money, or any other valuable consideration is directly or indirectly paid, or promised to or charged or accepted by, the station so hroadcasting, from any person, shall, at the time the same is so broadcast, be announced as paid for or furnished, as the case may be, hy such person.

Operation of Transmitting Apparatus

SEC. 318. The actual operation of all transmitting apparatus in any radio station for which a station license is required by this Act shall be carried on only hy a person holding an operator's license issued hereunder. No person shall operate any such apparatus in such station except under and in accordance with an operator's license issued to him by the Commission.

Construction Permits

SEC. 319. (a) No license shall be issued under the authority of this Act for the operation of any station the construction of which is hegun or is continued after this Act takes effect, unless a permit for its construction has heen granted hy the Commission upon written application therefor. The Commission may grant such permit if puhlic convenience, interest, or necessity will be served hy the construction of the station. This application shall set forth such facts as the Commission hv regulation may prescribe as to the citizenship, character, and the financial, technical, and other ahility of the applicant to construct and operate the station, the ownership and location of the proposed station and of the station or stations with which it is proposed to communicate, the frequencies desired to be used, the hours of the day or other periods of time during which it is proposed to operate the station, the purpose for which the station is to be used, the type of transmitting apparatus to be used, the power to he used, the date upon which the station is expected to be completed and in operation, and such other information as the Commission may require. Such application shall be signed hy the applicant under oath or affirmation.

(b) Such permit for construction shall show specifically the earliest and latest dates between which the actual operation of such station is expected to hegin, and shall provide that said permit will be automatically forfeited if the station is not ready for operation within the time specified or within such further time as the Commission may allow, unless prevented by causes not under the control of the grantee. The rights under any such permit shall not be assigned or otherwise transferred to any person without the approval of the Commission. A permit for construction shall not he required for Government stations, amateur stations, or stations upon mohile vessels, railroad rolling stock, or aircraft. Upon the completion of any station for the construction or continued construction of which a permit has heen granted, and upon it being made to appear to the Commission that all the terms, conditions, and ohligations set forth in the application and permit have been fully met, and that no cause or circumstance arising or first coming to the knowledge of the Commission since the granting of the permit would, in the judgment of the Commission, make the operation of such station against the public interest, the Commission shall issue a license to the lawful holder of said permit for the operation of said station. Said license shall conform generally to the terms of said permit.

Designation of Stations Liable to Interfere with Distress Signals

SEC. 320. The Commission is authorized to designate from time to time radio stations the communications or signals of which, in its opinion, are liable to interfere with the transmission or reception of distress signals of ships. Such stations are required to keep a licensed radio operator listening in on the frequencies designated for signals of distress and radio communications relating thereto during the entire period the transmitter of such station is in operation.

Distress Signals and Communications

SEC. 321. (a) Every radio station on shiphoard shall he equipped to transmit radio communications or signals of distress on the frequency specified by the Commission, with apparatus capable of transmitting and receiving messages over a distance of at least one hundred miles hy day or night. When sending radio communications or signals of distress and radio communications relating thereto the transmitting set may he adjusted in such a manner as to produce a maximum of radiation irrespective of the amount of interference which may thus be caused.

(b) All radio stations, including Government stations and stations on hoard foreign vessels when within the territorial waters of the United States, shall give ahsolute priority to radio communications or signals relating to ships in distress; shall cease all sending on frequencies which will interfere with hearing a radio communication or signal of distress, and, except when engaged in answering or aiding the ship in distress, shall refrain from sending any radio communications or signals until there is assurance that no interference will be caused with the radio communications or signals relating thereto, and shall assist the vessel in distress, so far as possihle, hy complying with its instructions.

Intercommunication in Mobile Service

SEC. 322. Every land station open to general puhlic service between the coast and vessels at sea shall he bound to exchange radio communications or signals with any ship station without distinction as to radio systems or instruments adopted by such stations, respectively, and each station on shiphoard shall be hound to exchange radio communications or signals with any other station on shiphoard without distinction as to radio systems or instruments adopted by each station.

Interference Between Government and Commercial Stations

SEC. 323. (a) At all places where Government and private or commercial radio stations on land operate in such close proximity that interference with the work of Government stations cannot he avoided when they are operating simultaneously, such private or commercial stations as do interfere with the transmission or reception of radio communications or signals hy the Government stations concerned shall not use their transmitters during the first fifteen minutes of each hour, local standard time.

(b) The Government stations for which the above-mentioned division of time is established shall transmit radio communications or signals only during the first fifteen minutes of each hour, local standard time, except in case of signals or radio communications relating to vessels in distress and vessel requests for information as to course, location, or compass direction.

Use of Minimum Power

SEC. 324. In all circumstances, except in case of radio communications or signals relating to vessels in distress, all radio stations, including those owned and operated by the United States, shall use the minimum amount of power necessary to carry out the communication desired.

False Distress Signals; Rebroadcasting; Studios of Foreign Stations

SEC. 325. (a) No person within the jurisdiction of the United States shall knowingly utter or transmit, or cause to be uttered or transmitted, any false or fraudulent signal of distress, or communication relating thereto, nor shall any broadcasting station rebroadcast the program or any part thereof of another broadcasting station without the express authority of the originating station.

(b) No person shall be permitted to locate, use, or maintain a radio broadcast studio or other place or apparatus from which or whereby sound waves are converted into electrical energy, or mechanical or physical reproduction of sound waves produced, and caused to be transmitted or delivered to a radio station in a foreign country for the purpose of being broadcast from any radio station there having a power output of sufficinet intensity and/or being so located geographically that its emissions may be received consistently in the United States, without first obtaining a permit from the Commission upon proper application therefor.

(c) Such application shall contain such information as the Commission may by regulation prescribe, and the granting or refusal thereof shall be subject to the requirements of section 309 hereof with respect to applications for station licenses of section 309 hereof with respect to applications for station licenses or renewal or modification thereof, and the license or permission so granted shall be revocable for false statements in the application so required or when the Commission, after hearings, shall find its continuation no longer in the public interest.

Censorship; Indecent Language

SEC. 326. Nothing in this Act shall be understood or construed to give the Commission the power of censorship over the radio communications or signals transmitted by any radio station, and no regulation or condition shall be promulgated or fixed by the Commission which shall interfere with the right of free speech by means of radio communication. No person within the jurisdiction of the United States shall utter any obscene, indecent, or profane language by means of radio communication.

Use of Naval Stations for Commercial Messages

SEC. 327 The Secretary of the Navy is hereby authorized, unless restrained by international agreement, under the terms and conditions and at rates prescribed by him, which rates shall be just and reasonable, and which, upon complaint, shall be subject to review and revision by the Commission, to use all radio stations and apparatus, wherever located, owned by the United States and under the control of the Navy Department, (a) for the reception and transmission of press messages offered by any newspaper published in the United States, its Territories or possessions, or published by citizens of the United States in foreign countries, or by any press association of the United States, and (b) for the reception and transmission of private commercial messages between ships, between ship and shore, between localities in Alaska and between Alaska and the continental United States: Provided, That the rates fixed for the reception and transmission of all such messages, other than press messages between the Pacific coast of the United States, Hawaii, Alaska, Guam, American Samoa, the Philippine Islands, and the Orient, and between the United States and the Virgin Islands, shall not be less than the rates charged by privately owned and operated stations for like messages and service: Provided further, That the right to use such stations for any of the purposes named in this section shall terminate and cease as between any countries or localities or between any locality and privately operated ships whenever privately owned and operated stations are capable of meeting the normal communication requirements between such countries or localities or between any locality and privately operated ships, and the Commission shall have notified the Secretary of the Navy thereof.

Special Provision as to Philippine Islands and Canal Zone

SEC. 328. This title shall not apply to the Philippine Islands or to the Canal Zone. In international radio matters the Philippine Islands and the Canal Zone shall be represented by the Secretary of State.

Administration of Radio Laws in Territories and Possessions

SEC. 329. The Commission is authorized to designate any officer or employee of any other department of the Government on duty in any Territory or possession of the United States other than the Philippine Islands and the Canal Zone, to render therein such services in connection with the administration of the radio laws of the United States as the Commission may prescribe: Provided, That such designation shall be approved by the head of the department in which such person is employed.

Title IV—Procedural and Administrative Provisions

Jurisdiction to Enforce Act and Orders of Commission

SECTION 401. (a) The district courts of the United States shall have jurisdiction, upon application of the Attorney General of the United States at the request of the Commission, alleging a failure to comply with or a violation of any of the provisions of this Act by any person, to issue a writ or writs of mandamus commanding such person to comply with the provisions of this Act.

(b) If any person fails or neglects to obey any order of the Commission other than for the payment of money, while the same is in effect, the Commission or any party injured thereby, or the United States, by its Attorney General, may apply to the appropriate district court of the United States for the enforcement of such order. If, after hearing, that court determines that the order was regularly made and duly served, and that the person is in disobedience of the same, the court shall enforce obedience to such order by a writ of injunction or other proper process, mandatory or otherwise, to restrain such person or the officers, agents, or representatives of such person, from further disobedience of such order, or to enjoin upon it or them obedience to the same.

(c) Upon the request of the Commission it shall be the duty of any district attorney of the United States to whom the Commission may apply to institute in the proper court and to prosecute under the direction of the Attorney General of the United States all necessary proceedings for the enforcement of the provisions of this Act and for the punishment of all violations thereof, and the costs and expenses of such prosecutions shall be paid out of the appropriations for the expenses of the courts of the United States.

(d) The provisions of the Expediting Act, approved February 11, 1903, as amended, and of section 238 (1) of the Judicial Code, as amended, shall be held to apply to any suit in equity arising under title II of this Act, wherein the United States is complainant.

Proceedings to Enforce or Set Aside the Commission's Orders—Appeal in Certain Cases

SEC. 402. (a) The provisions of the Act of October 22, 1913 (38 Stat. 219), relating to the enforcing or setting aside of the orders of the Interstate Commerce Commission, are hereby made applicable to suits to enforce, enjoin, set aside, annul, or suspend any order of the Commission under this Act (except any order of the Commission granting or refusing an application for a construction permit for a radio station, or for a radio station license, or for renewal of an existing radio station license, or for modification of an existing radio station license), and such suits are hereby authorized to be brought as provided in that Act.

(b) An appeal may be taken, in the manner hereinafter provided, from decisions of the Commission to the Court of Appeals of the District of Columbia in any of the following cases:

(1) By any applicant for a construction permit for a radio station, or for a radio station license, or for renewal of an existing radio station license, or for modification of an existing radio station license, whose application is refused by the Commission.

(2) By any other person aggrieved or whose interests are adversely affected by any decision of the Commission granting or refusing any such application.

(c) Such appeal shall be taken by filing with said court within twenty days after the decision complained of is effective, notice in writing of said appeal and a statement of the reasons therefor, together with proof of service of a true copy of said notice and statement upon the Commission. Unless a later date is specified by the Commission as part of its decision, the decision complained of shall be considered to be effective as of the date on which public announcement of the decision is made at the office of the Commission in the city of Washington. The Commission shall thereupon immediately, and in any event not later than five days from the date of such service upon it, mail or otherwise deliver a copy of said notice of appeal to each person shown by the records of the Commission to be interested in such appeal and to have a right to intervene therein under the provisions of this section, and shall at all times thereafter permit any such person to inspect and make copies of the appellant's statement of reasons for said appeal at the office of the Commission in the city of Washington. Within thirty days after the filing of said appeal the Commission shall file with the court the originals or certified copies of all papers and evidence presented to it upon the application involved, and also a like copy of its decision thereon, and shall within thirty days thereafter file a full statement in writing of the facts and grounds for its decision as found and given by it, and a list of all interested persons to whom it has mailed or otherwise delivered a copy of said notice of appeal.

(d) Within thirty days after the filing of said appeal any interested person may intervene and participate in the proceedings had upon said appeal by filing with the court a notice of intention to intervene and a verified statement showing the nature of the interest of such party, together with proof of service of true copies of said notice and statement, both upon appellant and upon the Commission. Any person who would be aggrieved or whose interests would be adversely affected by a reversal or modification of the decision of the Commission complained of shall be considered an interested party.

(e) At the earliest convenient time the court shall hear and determine the appeal upon the record before it, and shall have power, upon such record, to enter a judgment affirming or reversing the decision of the Commission, and in event tbe court shall render a decision and enter an order reversing the decision of the Commission it shall remand the case to tbe Commission to carry out the judgment of the court: Provided, however, That the review by the court shall be limited to questions of law and that findings of fact by the Commission, if supported by substantial evidence, shall be conclusive unless it shall clearly appear that the findings of the Commission are arbitrary or capricious. The court's judgment shall be final, subject, however, to review by the Supreme Court of the United States upon writ of certiorari on petition therefor under section 240 of the Judicial Code, as amended, by appellant, by the Commission, or by any interested party intervening in the appeal.

(f) The court may, in its discretion, enter judgment for costs in favor of or against an appellant, and/or other interested parties intervening in said appeal, but not against the Commission, depending upon the nature of the issues involved upon said appeal and the outcome thereof..

Inquiry by Commission on Its Own Motion

SEC. 403. The Commission shall have full authority and power at any time to institute an inquiry, on its own motion, in any case and as to any matter or thing concerning which complaint is authorized to be made, to or before the Commission by any provision of this Act, or concerning which any question may arise under any of the provisions of this Act, or relating to the enforcement of any of the provisions of this Act. Tbe Commission shall have the same powers and authority to proceed with any inquiry instituted on its motion as though it had been appealed to by complaint or petition under any of the provisions of this Act, including the power to make and enforce any order or orders in the case, or relating to the matter or thing concerning which the inquiry is had, excepting orders for the payment of money.

Reports of Investigations

SEC. 404. Whenever an investigation shall be made by the Commission it shall be its duty to make a report in writing in respect thereto, which shall state the conclusions of the Commission, together with its decision, order, or requirement in tbe premises; and in case damages are awarded such report shall include the findings of fact on which the award is made.

Rehearing Before Commission

SEC. 405. After a decision, order, or requirement has been made by the Commission in any proceeding, any party thereto may at any time make application for rehearing of the same, or any matter determined therein, and it shall be lawful for tbe Commission in its discretion to grant such a rehearing if sufficient reason therefor be made to appear: Provided, however, That in the case of a decision, order, or requirement made under title III, the time within which application for rehearing may be made shall be limited to twenty days after the effective date thereof, and such application may be made by any party or any person aggrieved or whose interests are adversely affected thereby. Applications for rehearing shall be governed by such general rules as the Commission may establish. No such application shall excuse any person from complying with or obeying any decision, order, or requirement of the Commission, or operate in any manner to stay or postpone the enforcement thereof, without the special order of the Commission. In case a rehearing is granted, the proceedings thereupon shall conform as nearly as may be to the proceedings in an original hearing, except as the Commission may otherwise direct; and if, in its judgment, after such rehearing and the consideration of all facts, including those arising since the former hearing, it shall appear that the original decision, order, or requirement is in any respect unjust or unwarranted, the Commission may reverse, change, or modify the same accordingly. Any decision, order, or requirement made after such rehearing, reversing, changing, or modifying the original determination, shall be subject to the same provisions as an original order.

Mandamus to Compel Furnishing of Facilities

SEC. 406. The district courts of the United States shall have jurisdiction upon the relation of any person alleging any violation, by a carrier subject to this Act, of any of the provisions of this Act which prevent the relator from receiving service in interstate or foreign communication by wire or radio, or in interstate or foreign transmission of energy by radio, from said carrier at the same charges, or upon terms or conditions as favorable as those given by said carrier for like communication or transmission under similar conditions to any other person, to issue a writ or writs of mandamus against said carrier commanding such carrier to furnish facilities for such communication or transmission to the party applying for the writ: Provided, That if any question of fact as to the proper compensation to the carrier for the service to be enforced by the writ is raised by the pleadings, the writ of peremptory mandamus may issue, notwithstanding sucb question of fact is undetermined, upon such terms as to security, payment of money into the court, or otherwise, as the court may think proper pending the determination of the question of fact: Provided further, That the remedy hereby given by writ of mandamus shall be cumulative and shall not be held to exclude or interfere with other remedies provided by this Act.

Petition for Enforcement of Order for Payment of Money

SEC. 407. If a carrier does not comply with an order for the payment of money within the time limit in such order, the complainant, or any person for whose benefit such order was made, may file in the district court of the United States for the district in which he resides or in which is located the principal operating office of the carrier, or through which the line of the carrier runs, or in any State court of general jurisdiction having jurisdiction of the parties, a petition setting forth briefly the causes for which he claims damages, and the order of the Commission in the premises. Such suit in the district court of the United States shall proceed in all respects like other civil suits for damages, except that on the trial of such suits the findings and order of the Commission shall be prima facie evidence of the facts therein stated, except that the petitioner shall not be liable for costs in the district court nor for costs at any subsequent stage of the proceedings unless they accrue upon his appeal. If the petitioner shall finally prevail, he shall be allowed a reasonable attorney's fee, to be taxed and collected as a part of the costs of the suit.

Orders Not for Payment of Money—When Effective

SEC. 408. Except as otherwise provided in this Act, all orders of the Commission, other than orders for the payment of money, shall take effect within such reasonable time, not less than thirty days after service of the order, and shall continue in force until its further order, or for a specified period of time, according as

shall be prescribed in the order, unless the same shall be suspended or modified or set aside by the Commission, or be suspended or set aside by a court of competent jurisdiction.

General Provisions Relating to Proceedings—Witnesses and Depositions

SEC. 409. (a) Any member or examiner of the Commission, or the director of any division, when duly designated by the Commission for such purpose, may hold hearings, sign and issue subpenas, administer oaths, examine witnesses, and receive evidence at any place in the United States designated by the Commission; except that in the administration of title III an examiner may not be authorized to exercise such powers with respect to a matter involving (1) a change of policy by the Commission, (2) the revocation of a station license, (3) new devices or developments in radio, or (4) a new kind of use of frequencies. In all cases heard by an examiner the Commission shall hear oral arguments on request of either party.

(b) For the purposes of this Act the Commission shall have the power to require by subpena the attendance and testimony of witnesses and the production of all books, papers, schedules of charges, contracts, agreements, and documents relating to any matter under investigation. Witnesses summoned before the Commission shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

(c) Such attendance of witnesses, and the production of such documentary evidence, may be required from any place in the United States, at any designated place of hearing. And in case of disobedience to a subpena the Commission, or any party to a proceeding before the Commission, may invoke the aid of any court of the United States in requiring the attendance and testimony of witnesses and the production of books, papers, and documents under the provisions of this section.

(d) Any of the district courts of the United States within the jurisdiction of which such inquiry is carried on may, in case of contumacy or refusal to obey a subpena issued to any common carrier or licensee or other person, issue an order requiring such common carrier, licensee, or other person to appear before the Commission (and produce books and papers if so ordered) and give evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(e) The testimony of any witness may be taken, at the instance of a party, in any proceeding or investigation pending before the Commission, by deposition, at any time after a cause or proceeding is at issue on petition and answer. The Commission may also order testimony to be taken by deposition in any proceeding or investigation pending before it, at any stage of such proceeding or investigation. Such depositions may be taken before any judge of any court of the United States, or any United States commissioner, or any clerk of a district court, or any chancellor, justice, or judge of a supreme or superior court, mayor, or chief magistrate of a city, judge of a county court, or court of common pleas of any of the United States, or any notary public, not being of counsel or attorney to either of the parties, nor interested in the event of the proceeding or investigation. Reasonable notice must first be given in writing by the party or his attorney proposing to take such deposition to the opposite party or his attorney of record, as either may be nearest, which notice shall state the name of the witness and the time and place of the taking of his deposition. Any person may be compelled to appear and depose, and to produce documentary evidence, in the same manner as witnesses may be compelled to appear and testify and produce documentary evidence before the Commission, as hereinbefore provided.

(f) Every person deposing as herein provided shall be cautioned and sworn (or affirm, if he so request) to testify the whole truth, and shall be carefully examined. His testimony shall be reduced to writing by the magistrate taking the deposition, or under his direction, and shall, after it has been reduced to writing, be subscribed by the deponent.

(g) If a witness whose testimony may be desired to be taken by deposition be in a foreign country, the deposition may be taken before an officer or person designated by the Commission, or agreed upon by the parties by stipulation in writing to be filed with the Commission. All depositions must be promptly filed with the Commission.

(h) Witnesses whose depositions are taken as authorized in this Act, and the magistrate or other officer taking the same, shall severally be entitled to the same fees as are paid for like services in the courts of the United States.

(i) No person shall be excused from attending and testifying or from producing books, papers, schedules of charges, contracts, agreements, and documents before the Commission, or in obedience to the subpena of the Commission, whether such subpena be signed or issued by one or more commissioners, or in any cause or proceeding, criminal or otherwise, based upon or growing out of any alleged violation of this Act, or of any amendments thereto, on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that any individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

(j) Any person who shall neglect or refuse to attend and testify, or to answer any lawful inquiry, or to produce books, papers, schedules of charges, contracts, agreements, and documents, if in his power to do so, in obedience to the subpena or lawful requirement of the Commission, shall be guilty of a misdemeanor and upon conviction thereof by a court of competent jurisdiction shall be punished by a fine of not less than $100 nor more than $5,000, or by imprisonment for not more than one year, or by both such fine and imprisonment.

Use of Joint Boards—Cooperation with State Commissions

SEC. 410. (a) The Commission may refer any matter arising in the administration of this Act to a joint board to be composed of a member, or of an equal number of members, as determined by the Commission, from each of the States in which the wire or radio communication affected by or involved in the proceeding takes place or is proposed, and any such board shall be vested with the same powers and be subject to the same duties and liabilities as in the case of a member of the Commission when designated by the Commission to hold a hearing as hereinbefore authorized. The action of a joint board shall have such force and effect and its proceedings shall be conducted in such manner as the Commission shall by regulations prescribe. The joint board member or members for each State shall be nominated by the State commission of the State or by the Governor if there is no State commission, and appointed by the Federal Communications Commission. The Commission shall have discretion to reject any nominee. Joint board members shall receive such allowances for expenses as the Commission shall provide.

(b) The Commission may confer with any State commission having regulatory jurisdiction with respect to carriers, regarding the relationship between rate structures, accounts, charges, practices, classifications, and regulations of carriers subject to the jurisdiction of such State commission and of the Commission; and the Commission is authorized under such rules and regulations as it shall prescribe to hold joint hearings with any State commission in connection with any matter with respect to which the Commission is authorized to act. The Commission is authorized in the administration of this Act to avail itself of such cooperation, services, records, and facilities as may be afforded by any State commission.

Joinder of Parties

SEC. 411. (a) In any proceeding for the enforcement of the provisions of this Act, whether such proceeding be instituted before the Commission or be begun originally in any district court of the United States, it shall be lawful to include as parties, in addition to the carrier, all persons interested in or affected by the charge, regulation, or practice under consideration, and inquiries, investigations, orders, and decrees may be made with reference to and against such additional parties in the same manner, to the same extent, and subject to the same provisions as are or shall be authorized by law with respect to carriers.

(b) In any suit for the enforcement of an order for the payment of money all parties in whose favor the Commission may have made an award for damages by a single order may be joined as plaintiffs, and all of the carriers parties to such order awarding such damages may be joined as defendants, and such suit may be maintained by such joint plaintiffs and against such joint defendants in any district where any one of such joint plaintiffs could maintain such suit against any one of such joint defendants; and service of process against any one of such defendants as may not be found in the district where the suit is brought may be made

in any district where such defendant carrier has its principal operating office. In case of such joint suit, the recovery, if any, may be by judment in favor of any one of such plaintiffs, against the defendant found to be liable to such plaintiff.

Documents Filed to Be Public Records—Use in Proceedings

SEC. 412. The copies of schedules of charges, classifications, and of all contracts, agreements, and arrangements between common carriers filed with the Commission as herein provided, and the statistics, tables, and figures contained in the annual or other reports of carriers and other persons made to the Commission as required under the provisions of this Act shall be preserved as public records in the custody of the secretary of the Commission, and shall be received as prima facie evidence of what they purport to be for the purpose of investigations by the Commission and in all judicial proceedings; and copies of and extracts from any of said schedules, classifications, contracts, agreements, arrangements, or reports, made public records as aforesaid, certified by the secretary, under the Commission's seal, shall be received in evidence with like effect as the originals: Provided, That the Commission may, if the public interest will be served thereby, keep confidential any contract, agreement, or arrangement relating to foreign wire or radio communication when the publication of such contract, agreement, or arrangement would place American communication companies at a disadvantage in meeting the competition of foreign communication companies.

Designation of Agent for Service

SEC. 413. It shall be the duty of every carrier subject to this Act, within sixty days after the taking effect of this Act, to designate in writing an agent in the District of Columbia, upon whom service of all notices and process and all orders, decisions, and requirements of the Commission may be made for and on behalf of said carrier in any proceeding or suit pending before the Commission, and to file such designation in the office of the secretary of the Commission, which designation may from time to time be changed by like writing similarly filed; and thereupon service of all notices and process and orders, decisions, and requirements of the Commission may be made upon such carrier by leaving a copy thereof with such designated agent at his office or usual place of residence in the District of Columbia, with like effect as if made personally upon such carrier, and in default of such designation of such agent, service of any notice or other process in any proceeding before said Commission, or of any order, decision, or requirement of the Commission, may be made by posting such notice, process, order, requirement, or decision in the office of the Secretary of the Commission.

Remedies in This Act Not Exclusive

SEC. 414. Nothing in this Act contained shall in any way abridge or alter the remedies now existing at common law or by statute, but the provisions of this Act are in addition to such remedies.

Limitations as to Actions

SEC. 415. (a) All actions at law by carriers for recovery of their lawful charges, or any part thereof, shall be begun within one year from the time the cause of action accrues, and not after.

(b) All complaints against carriers for the recovery of damages not based on overcharges shall be filed with the Commission within one year from the time the cause of action accrues, and not after, subject to subsection (d) of this section.

(c) For recovery of overcharges action at law shall be begun or complaint filed with the Commission against carriers within one year from the time the cause of action accrues, and not after, subject to subsection (d) of this section, except that if claim for the overcharge has been presented in writing to the carrier within the one-year period of limitation said period shall be extended to include one year from the time notice in writing is given by the carrier to the claimant of disallowance of the claim, or any part or parts thereof, specified in the notice.

(d) If on or before expiration of the period of limitation in subsection (b) or (c) a carrier begins action under subsection (a) for recovery of lawful charges in respect of the same service, or, without beginning action, collects charges in respect of that service, said period of limitation shall be extended to include ninety days from the time such action is begun or such charges are collected by the carrier.

(e) The cause of action in respect of the transmission of a message shall for the purposes of this section, he deemed to accrue upon delivery or tender of delivery thereof by the carrier, and not after.

(f) A petition for the enforcement of an order of the Commission for the payment of money shall be filed in the district court or the State court within one year from the date of the order, and not after.

(g) The term "overcharges" as used in this section shall be deemed to mean charges for services in excess of those applicable thereto under the schedules of charges lawfully on file with the Commission.

Provisions Relating to Orders

SEC. 416. (a) Every order of the Commission shall be forthwith served upon the designated agent of the carrier in the city of Washington or in such other manner as may be provided by law.

(b) Except as otherwise provided in this Act, the Commission is hereby authorized to suspend or modify its orders upon such notice and in such manner as it shall deem proper.

(c) It shall be the duty of every person, its agents and employees, and any receiver or trustee thereof, to observe and comply with such orders so long as the same shall remain in effect.

Title V—Penal Provisions—Forfeitures

General Penalty

SECTION 501. Any person who willfully and knowingly does or causes or suffers to be done any act, matter, or thing, in this Act prohibited or declared to be unlawful, or who willfully and knowingly omits or fails to do any act, matter, or thing in this Act required to be done, or willfully and knowingly causes or suffers such omission or failure, shall, upon conviction thereof, be punished for such offense, for which no penalty (other than a forfeiture) is provided herein, by a fine of not more than $10,000 or by imprisonment for a term of not more than two years, or both.

Violations of Rules, Regulations, and so forth

SEC. 502. Any person who willfully and knowingly violates any rule, regulation, restriction, or condition made or imposed by the Commission under authority of this Act, or any rule, regulation, restriction, or condition made or imposed by any international radio or wire communications treaty or convention, or regulations annexed thereto, to which the United States is or may hereafter become a party, shall, in addition to any other penalties provided by law, be punished, upon conviction thereof, by a fine of not more than $500 for each and every day during which such offense occurs.

Forfeiture in Cases of Rebates and Offsets

SEC. 503. Any person who shall deliver messages for interstate or foreign transmission to any carrier, or for whom as sender or receiver, any such carrier shall transmit any interstate or foreign wire or radio communication, who shall knowingly by employee, agent, officer, or otherwise, directly or indirectly, by or through any means or device whatsoever, receive or accept from such common carrier any sum of money or any other valuable consideration as a rebate or offset against the regular charges for transmission of such messages as fixed by the schedules of charges provided for in this Act, shall in addition to any other penalty provided by this Act forfeit to the United States a sum of money three times the amount of money so received or accepted and three times the value of any other consideration so received or accepted, to be ascertained by the trial court; and in the trial of said action all such rebates or other considerations so received or accepted for a period of six years prior to the commencement of the action, may be included therein, and the amount recovered shall be three times the total amount of money, or three times the total value of such consideration, so received or accepted, or both, as the case may be.

Provisions Relating to Forfeitures

SEC. 504. The forfeitures provided for in this Act shall be payable into the Treasury of the United States and shall be recoverable in a civil suit in the name of the United States, brought in the district where the person or carrier has its principal operating office, or in any district through which the line or system of the carrier runs. Such forfeitures shall be in addition to any other

general or specific penalties herein provided. It shall be the duty of the various district attorneys, under the direction of the Attorney General of the United States, to prosecute for the recovery of forfeitures under this Act. The costs and expenses of such prosecutions shall be paid from the appropriation for the expenses of the courts of the United States.

Venue of Offenses

SEC. 505. The trial of any offense under this Act shall be in the district in which it is committed; or if the offense is committed upon the high seas, or out of the jurisdiction of any particular State or district, the trial shall be in the district where the offender may be found or into which he shall be first brought. Whenever the offense is begun in one jurisdiction and completed in another it may be dealt with, inquired of, tried, determined, and punished in either jurisdiction in the same manner as if the offense had been actually and wholly committed therein.

Title VI—Miscellaneous Provisions

Transfer to Commission of Duties, Powers, and Functions Under Existing Law

SEC. 601. (a) All duties, powers, and functions of the Interstate Commerce Commission under the Act of August 7, 1888 (25 Stat. 382), relating to operation of telegraph lines by railroad and telegraph companies granted Government aid in the construction of their lines, are hereby imposed upon and vested in the Commission: Provided, That such transfer of duties, powers, and functions shall not be construed to affect the duties, powers, functions, or jurisdiction of the Interstate Commerce Commission under, or to interfere with or prevent the enforcement of, the Interstate Commerce Act and all Acts amendatory thereof or supplemental thereto.

(b) All duties, powers, and functions of the Postmaster General with respect to telegraph companies and telegraph lines under any existing provision of law are hereby imposed upon and vested in the Commission.

Repeals and Amendments

SEC. 602. (a) The Radio Act of 1927, as amended, is hereby repealed.

(b) The provisions of the Interstate Commerce Act, as amended, insofar as they relate to communication by wire or wireless, or to telegraph, telephone, or cable companies operating by wire or wireless, except the last provision of section 1 (5) and the provisions of section 1 (7), are hereby repealed.

(c) The last sentence of section 2 of the Act entitled "An Act relating to the landing and operation of submarine cables in the United States," approved May 27, 1921, is amended to read as follows: "Nothing herein contained shall be construed to limit the power and jurisdiction of the Federal Communications Commission with respect to the transmission of messages."

(d) The first paragraph of section 11 of the Act entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, is amended to read as follows:

"SEC. 11. That authority to enforce compliance with sections 2, 3, 7, and 8 of this Act by the persons respectively subject thereto is hereby vested: In the Interstate Commerce Commission where applicable to common carriers subject to the Interstate Commerce Act, as amended; in the Federal Communications Commission where applicable to common carriers engaged in wire or radio communication or radio transmission of energy; in the Federal Reserve Board where applicable to banks, banking associations, and trust companies; and in the Federal Trade Commission where applicable to all other character of commerce, to the exercised as follows:".

Transfer of Employees, Records, Property, and Appropriations

SEC. 603. (a) All officers and employees of the Federal Radio Commission (except the members thereof, whose offices are hereby abolished) whose services in the judgment of the Commission are necessary to the efficient operation of the Commission are hereby transferred to the Commission, without change in classification or compensation; except that the Commission may provide for the adjustment of such classification or compensation to conform to the duties to which such officers and employees may be assigned.

(b) There are hereby transferred to the jurisdiction and control of the Commission (1) all records and property (including office furniture and equipment, and including monitoring radio stations) under the jurisdiction of the Federal Radio Commission, and (2) all records under the jurisdiction of the Interstate Commerce Commission and of the Postmaster General relating to the duties, powers, and functions imposed upon and vested in the Commission by this Act.

(c) All appropriations and unexpended balances of appropriations available for expenditure by the Federal Radio Commission shall be available for expenditure by the Commission for any and all objects of expenditure authorized by this Act, and shall be available for expenditure prior to March 1, 1935, or thereafter, in the discretion of the Commission; and may be expended without regard to the requirements of apportionment under the Antideficiency Act of February 27, 1906.

Effect of Transfers, Repeals, and Amendments

SEC. 604. (a) All orders, determinations, rules, regulations, permits, contracts, licenses, and privileges which have been issued, made, or granted by the Interstate Commerce Commission, the Federal Radio Commission, or the Postmaster General, under any provision of law repealed or amended by this Act or in the exercise of duties, powers, or functions transferred to the Commission by this Act, and which are in effect at the time this section takes effect, shall continue in effect until modified, terminated, superseded, or repealed by the Commission or by operation of law.

(b) Any proceeding, hearing, or investigation commenced or pending before the Federal Radio Commission, the Interstate Commerce Commission, or the Postmaster General, at the time of the organization of the Commission, shall be continued by the Commission in the same manner as though originally commenced before the Commission, if such proceeding, hearing, or investigation (1) involves the administration of duties, powers, and functions transferred to the Commission by this Act, or (2) involves the exercise of jurisdiction similar to that granted to the Commission under the provisions of this Act.

(c) All records transferred to the Commission under this Act shall be available for use by the Commission to the same extent as if such records were originally records of the Commission. All final valuations and determinations of depreciation charges by the Interstate Commerce Commission with respect to common carriers engaged in radio or wire communication, and all orders of the Interstate Commerce Commission with respect to such valuations and determinations, shall have the same force and effect as though made by the Commission under this Act.

(d) The provisions of this Act shall not affect suits commenced prior to the date of the organization of the Commission; and all such suits shall be continued, proceedings therein had, appeals therein taken and judgments therein rendered, in the same manner and with the same effect as if this Act had not been passed. No suit, action, or other proceeding lawfully commenced by or against any agency or officer of the United States, in relation to the discharge of official duties, shall abate by reason of any transfer of authority, power, and duties from such agency or officer to the Commission under the provisions of this Act, but the court, upon motion or supplemental petition filed at any time within twelve months after such transfer, showing the necessity for a survival of such suit, action, or other proceeding to obtain a settlement of the questions involved, may allow the same to be maintained by or against the Commission.

Unauthorized Publication of Communications

SEC. 605. No person receiving or assisting in receiving, or transmitting, or assisting in transmitting any interstate or foreign communication by wire or radio shall divulge or publish the existence, contents, substance, purpose, effect, or meaning thereof, except through authorized channels of transmission or reception, to any person other than the addressee, his agent, or attorney, or to a person employed or authorized to forward such communication to its destination, or to proper accounting or distributing officers of the various communicating centers over which the communication may be passed, or to the master of a ship under whom he is serving, or in response to a subpena issued by a court of competent jurisdiction, or on demand of other lawful authority; and no person not being authorized by the sender shall intercept any communication and divulge or publish the existence, contents, substance, purport, effect or meaning of such intercepted communication to any person; and no person not being entitled thereto shall receive or assist in receiving any interstate or foreign communication by wire or radio and use the same or any information therein contained for his own benefit or for the benefit of another not

entitled thereto; and no person having received such intercepted communication or having become acquainted with the contents, substance, purport, effect, or meaning of the same or any part thereof, knowing that such information was so obtained, shall divulge or publish the existence, contents, substance, purport, effect, or meaning of the same or any part thereof, or use the same or any information therein contained for his own benefit or for the benefit of another not entitled thereto: Provided, That this section shall not apply to the receiving, divulging, publishing, or utilizing the contents of any radio communication broadcast, or transmitted by amateurs or others for the use of the general public, or relating to ships in distress.

War Emergency—Powers of President

SEC. 606. (a) During the continuance of a war in which the United States is engaged, the President is authorized, if he finds it necessary for the national defense and security, to direct that such communications as in his judgment may be essential to the national defense and security shall have preference or priority with any carrier subject to this Act. He may give these directions at and for such times as he may determine, and may modify, change, suspend, or annul them and for any such purpose he is hereby authorized to issue orders directly, or through such person or persons as he designates for the purpose, or through the Commission. Any carrier complying with any such order or direction for preference or priority herein authorized shall be exempt from any and all provisions in existing law imposing civil or criminal penalties, obligations, or liabilities upon carriers by reason of giving preference or priority in compliance with such order or direction.

(b) It shall be unlawful for any person during any war in which the United States is engaged to knowingly or willfully, by physical force or intimidation by threats of physical force, obstruct or retard or aid in obstructing or retarding interstate or foreign communication by radio or wire. The President is hereby authorized, whenever in his judgment the public interest requires, to employ the armed forces of the United States to prevent any such obstruction or retardation of communication: Provided, That nothing in this section shall be construed to repeal, modify, or affect either section 6 or section 20 of an Act entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914.

(c) Upon proclamation by the President that there exists war or a threat of war or a state of public peril or disaster or other national emergency, or in order to preserve the neutrality of the United States, the President may suspend or amend, for such time as he may see fit, the rules and regulations applicable to any or all stations within the jurisdiction of the United States as prescribed by the Commission, and may cause the closing of any station for radio communication and the removal therefrom of its apparatus and equipment, or he may authorize the use or control of any such station and/or its apparatus and equipment by any department of the Government under such regulations as he may prescribe, upon just compensation to the owners.

(d) The President shall ascertain the just compensation for such use or control and certify the amount ascertained to Congress for appropriation and payment to the person entitled thereto. If the amount so certified is unsatisfactory to the person entitled thereto, such person shall be paid only 75 per centum of the amount and shall be entitled to sue the United States to recover such further sum as added to such payment of 75 per centum will make such amount as will be just compensation for the use and control. Such suit shall be brought in the manner provided by paragraph 20 of section 24, or by section 145 of the Judicial Code, as amended.

Effective Date of Act

SEC. 607. This Act shall take effect upon the organization of the Commission, except that this section and sections 1 and 4 shall take effect on July 1, 1934. The Commission shall be deemed to be organized upon such date as four members of the Commission have taken office.

Separability Clause

SEC. 608. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby.

Short Title

SEC. 609. This Act may be cited as the "Communications Act of 1934."

COMMUNICATIONS BILL AGREED UPON

The Senate and House conference committee agreed Friday (June 8), on the Dill-Rayburn Federal Communications Commission bill. It is expected that the conference report will be adopted at an early date by both the Senate and House and that the President will sign the bill just as soon as the finishing legislative touches have been added.

The act would become effective on July 1, 1934, on which date the Federal Radio Commission would pass out of existence.

With almost unprecedented speed, the House adopted the Rayburn bill on Saturday (June 2) and sent the measure on its way to conference. The House conferees were Congressmen Rayburn, Huddleston, Lea, Wolverton, and Mapes. Senate conferees were Senators Dill, Couzens, Smith, Hatch and White.

The bill, as reported by the House, did not contain substantially any changes in the present radio law and continued in force the Radio Act of 1927, as amended. No amendments were adopted by the House during its consideration of the bill.

The Committee on Interstate and Foreign Commerce of the House rejected the proposal laid before it by Father Harney, superior, Paulist Missionary Society, which would have compelled the allocation of 25 per cent of all facilities to religious, educational and similar organizations. No attempt was made to have the amendment adopted by the House although it was urged from the floor that the provision for a study of this situation, carried in the Senate bill, be accepted on the part of the House. The bill, as finally agreed upon, carries such provision. The study is to be completed early next year.

Debate in the House was opened by Representative McFadden of Pennsylvania, who charged that a censorship was being exercised over broadcasting and asked that his bill, upon which hearings were held before the House Merchant Marine, Radio and Fisheries, be made a part of the Communications Commission bill.

Chairman Rayburn, of the House Interstate Commerce Committee, explained in detail the provisions of his bill.

Asked by Representative Mead, of New York, about providing a fixed percentage of broadcast facilities to educational groups, Chairman Rayburn said:

"We had up what is known as the 'Father Harney amendment,' that came to us in the House as it did in the Senate. That provided for the allocation of 25 per cent of all the time to religious, educational, and, though I do not believe they used the word 'uplift,' yet they used a word that corresponds to it. If we begin to take away from the Radio Commission its authority to allocate, we would be in the same position that the Congress would be in if, after giving to the Interstate Commerce Commission its function of regulating railroads and fixing the rates, we would then start out to introduce and pass measures to revise the rate structure. In that way we would probably get into a lot of trouble. Our thought—at least, my thought—was this: If 25 per cent should be allocated, or the allocation of it taken away from the Radio Commission, why not take away 30 per cent or 40 per cent or 100 per cent? Also, if you allocate 25 per cent to education and religion, then what difficulty is the Radio Commission going to have in dividing that 25 per cent between Catholic, Jew, a Protestant, and other sects, and also between what colleges, where located, and what other time might be supposed to be taken into consideration for morals, education, and uplift? Our committee took that position, and we believe it is a wise one."

Representative Bland of Virginia, chairman of the House Merchant Marine, Radio and Fisheries Committee, supported the view of Chairman Rayburn.

"Would not an attempt by the committee or by anyone to make this change so involve the broadcasting structure all over the United States that it would have to be studied by another commission in order to arrive at some equitable solution of the problem?" Chairman Bland asked.

"Yes," Chairman Rayburn answered, "and if we do this then it will practically amount to a revocation of every broadcasting license in the United States, because they must all be revised."

Representative Fish, of New York, said that it was "unfortunate that radio is controlled by the administration or terrorized by the administration to the extent that the policies of the administration literally burn up the radio time day and night." He then proposed an amendment to the effect that no public official or members of his family shall be paid any money for speaking over the radio. The amendment was ruled out of order.

Congressman Maloney, of Connecticut, said in part:

"During committee consideration of this bill I offered a more modified amendment than had been proposed. I was particularly

prompted to do that by the very able presentation of Father Harney, and partially prompted by the interest of many Members of the Congress in some such addition to tbis bill.

"I am not going to offer an amendment now. I choose to go along with the majority of my committee, which has perhaps wisely decided that this is not the time or the place to offer this amendment. I continue to be hopeful, however, that if the bill is passed in its present form, without amendment by the House, that the conferees will give further careful consideration to that part of the Senate bill. I would like to take these few minutes more of your time to express the hope on my part, and I am sure on the part of many others, that those who will administer this law will be particularly careful of radio, and not permit it to fall into the careless ways of the motion-picture industry. Most of us are bopeful that there will not be built up tbe tyranny tbat exists in the motion-picture field, whicb allows certain producers to ride roughshod over the interests of independent theater owners and a great majority of the careful and clean-thinking people. I have not any such fear, but I think I would be a little bit remiss if I did not express my feeling and give what I think is the principal reason why the people concerned with this amendment want this subject further considered.

"I know that the great majority of radio-broadcasting companies—and I am certain more than a majority of those representing the great networks—are determined to give these groups a fair allotment of time and proper representation; but there has been evidence of real selfishness on the part of one group, and that particular selfisbness is wbat prompted these proposed amendments; that selfishness is what prompted this particular portion of the Senate bill. These people have now within their own bands a means of correction."

Representative Goss, of Connecticut, called attention of the House to tbe provision for a study of tbe allocation of facilities to religious and educational organizations included in the Senate bill. "I understand that is not in the House bill but is in the Senate bill and that that matter could go to conference." he said. "There are many people, not only on both sides of the aisle in this House but in the country, who are anxious to have some consideration of that. While I realize the specific 25 per cent is stricken out, all that would do would be to have the commission study the matter and report back at a later date with some kind of findings."

Representative Ramspeck, of Georgia, said:

"I am also interested in this subject, although I say frankly to tbe Committee that, with the present information I have, I am opposed to mandatory allocation of wave lengths by the commission. However, I do think that the conference committee would do a service to the country by considering the question of whether or not we ought to have consideration by the commission of this question, which is getting to be a very acute one, and on account of whicb Congress is receiving a great deal of pressure from various organizations, to force the commission to allocate certain specific parts of the radio facilities to various organizations.

"As a member of the Committee on Merchant Marine, Radio, and Fisheries I have bad some opportunity to study tbis question. It is one that needs a great deal of study, because, when you get into the field of trying to allocate by law to various organizations, no matter how good their purpose may be, you find you are dealing with a very difficult question. In the religious field, for instance, you find many various forms of religious organizations that would like to participate in the radio facilities of the country; yet, as far as I have been able to see at this time, no radio station can operate under the American system without having sustaining programs. When they accept sustaining programs they enter the commercial field. For that reason I would not have favored the amendment of tbe Senator from New York, which it was attempted to put on this bill in the Senate. However, I bope the conferees will consider whetber or not it will be helpful to have this new commission make a study and report to Congress along that line. I wish to commend the committee for its work on this bill. In my opinion it is greatly improved as compared with the Senate draft."

Congressman Truax, of Ohio, cbarged that Fatber Charles E. Coughlin was barred by the two networks "simply because he reflects and makes certain charges against the very interests wbo bave a monopoly of the broadcast systems of this country." "I want to call tbe attention of this House and the people of this Nation to the fact tbat tbese two major broadcasting companies are thus tbrottling sucb magnificent voices raised in behalf of the people in distress as, for instance, Father Coughlin, wbo has crusaded for months past to abandon the gold standard, for nationalization of tbe currency, and for sucb measures as tbe Frazier-Lemke bill do refinance the farmers of this country, and for the bank pay-off bill," he said. "I maintain that the throttling and strangling of this information from the millions of people of this country who are in distress and need aid, and need it now, is something that this Congress should not overlook."

Representative McGugin, of Kansas, made a plea for the freedom of radio. He said in part:

"I know of no way that radio can be operated except on the basis of a license from the Government, for the simple reason that there are not enough air cbannels to take care of all the radio stations that might want to operate. Therefore, there must be a limitation upon them.

"When the Government has the power to issue licenses to operate radios it inherently follows tbat this Government agency has too great a control over freedom of speech. Whetber the Radio Commission or any other Government agency turns its band, tbe fact remains that throughout the years the broadcasting systems which are looking to the Radio Commission for courtesies are going to be found upon the side of the administration in power. So, after all, the real protection of the people yet rests in the freedom of the press rather than in freedom of speech since the coming of radio.

"We have had a fair example of this since this administration came into power. I have no concrete evidence that this administration has laid down upon any radio station and said, 'You must carry 'new deal' propaganda, and you must not carry anytbing to the contrary,' yet the fact remains that radio broadcasters currying the favor of a Government agency, have given unlimited facilities to 'new deal' propaganda and have unwarrantedly denied the right of the air to those who would rise to criticize any part of the 'new deal' program.

"There still remains the freedom of the press. The press carried this same subject matter openly, both sides of it, and carried the views of Senator Reed as well as the views of those who had contrary ideas.

"So in conclusion I wish to say that with all the greatness of radio, the liberty of the people of this country yet rests in the press and not in the radio. I hope that at some time a plan may be devised whereby the use of the air will be free without censorship or discrimination."

CODE HEARING JUNE 20

The National Recovery Administration has announced it will open for consideration and public hearing the provisions contained in Articles III, IV and V of the Code of Fair Competition for the Radio Broadcasting Industry. The hearing will be held beginning at 10 a. m., Wednesday, June 20, 1934, in the Oak Room of the Raleigh Hotel, Washington, D. C., and continuing until completed.

Official notices of the hearing have been mailed to all members of tbe industry by James W. Baldwin, Executive Officer of the Code Authority.

The hearing will be held as the result of the reports submitted by the Code Authority for the Radio Broadcasting Industry in pursuance of the provisions contained in Article VI, Section 4 of the Code. These reports are identified as Code Authority Bulletins No. 2 and No. 6. The last named bulletin (No. 6) contains the recommendations of the Code Authority. These recommendations have the endorsement of the National Association of Broadcasters.

The National Association of Broadcasters will insist upon the repeal of the second sentence contained in Article V, Section 5. This is the widely discussed November 1 clause wbich in actual operation bas penalized those members of the industry wbo were most eager to cooperate with the earliest NRA efforts.

Tbe text of tbe notice of hearing and the Articles and Sections on which the hearing will be beld follow:

"Pursuant to the power vested in the Code Authority by Article VI, Section 4, a report, Part I dated March 8 and Part II dated May 4, titled 'Hours of Labor and Wages of Broadcast Technicians' and 'Working Conditions of Broadcast Technicians and the Relation Thereof to General Conditions Within the Industry; the Compliance with Wages and Hour Provisions Affecting Broadcast Technicians; and Recommendations,' has been filed by the Code Authority with the Administration. Copies of said report are available at the Radio Broadcasting Industry Code Authority offices, 970 National Press Building, Washington, D. C.

"Upon the basis of such report and upon representations and information otherwise properly before the Administrator, Articles III, IV and V of the Code of Fair Competition for the Radio Broadcasting Industry, referred to in Schedule 'A', attached bereto and hereby made a part hereof, will be opened for consideration and public bearing. Pursuant to tbe hearing hereinafter referred

to and/or any subsequent hearing the said provisions of the Code may be left in the form now existing and/or be amended in such form, substance, wording and/or scope as may be necessary to effectuate the purposes of the National Industrial Recovery Act pursuant to information or considerations properly before the Administrator in such hearing record or otherwise in any reasonable particular germane to the original provisions of said Code.

"Notice is hereby given that a Public Hearing on Articles III, IV and V of the above Code will be conducted by the Administrator, beginning at 10 a. m., Wednesday, June 20, 1934, in the Oak Room of the Raleigh Hotel, Washington, D. C., and continuing until completed. An opportunity to be heard (either in person or by duly appointed representative either by appearance or by sending a written or telegraphic statement) will be given to persons or groups who can show a substantial interest as workers, employers, consumers or otherwise, in the effect of any of said provisions in their present or amended form.

"Those wishing to be heard must comply with the following simple requirements:

"(1) A written or telegraphic request for an opportunity to be heard must be filed before noon on Tuesday, June 19, 1934, with the Administrator, Room 4223, Department of Commerce Building, Washington, D. C.

"(2) Such request shall state the name of (a) any person seeking to testify in the hearing, and (b) the persons or groups whom he represents.

"(3) At the Public Hearings, all persons are regarded as witnesses, and shall present orally facts only and not argument. Written briefs or arguments may be filed, but oral presentations will be confined to factual statements only.

"(4) In the discretion of the Deputy Administrator in charge of the Hearing, persons who have not complied with the requirements of paragraph (1), above, may be permitted at any time prior to the close of the Hearing to file written statements containing proposals relative to the matters heard therein supported by pertinent information or argument. Such written statements must be condensed as much as possible.

"Public Hearings are solely for the purpose of obtaining in the most direct manner the facts useful to the Administrator, and no arguments will be heard or considered at this time. Representation of interested parties by attorneys or specialists is permissible, but it is not to be regarded as necessary. Industry, workers and the consuming public will be represented by special advisors employed by the Government."

This includes the provisions contained in Article III, Sections 1 and 2, Article IV, Sections 1 and 2, and Article V, Sections 1 to 7, inclusive.

N. B. C. WINS COPYRIGHT SUIT

The United States District Court for the Southern District of New York on June 1 handed down a decision in the suit (No. E 77-283) brought by Alfred Kreymborg against Jimmie Durante and the National Broadcasting Company in which it was alleged that the actor infringed the plaintiff's copyright in a play called "Jack's House" by reciting poems from the play in a radio broadcast carried by the network. Judge Patterson upheld the contention of the National Broadcasting Company that no infringement had been committed. Harry Weinberger and Chester A. Pearlman appeared for the complainant and Gustave B. Feldman, A. L. Ashby and E. Stuart Sprague represented the defendants.

The text of the decision follows:

"The motion is to dismiss the bill in a suit for infringement of copyright, on the ground that the bill is insufficient on its face.

"The bill shows that the plaintiff wrote three original poems which were published in 1917 in a book of verse and duly copyrighted under the Copyright Act; that a year later he wrote a play called 'Jack's House,' and incorporated the three poems in the play. The play was also published in book form and duly copyrighted. The first of the poems, characteristic of them all, is as follows:

'We have a one-room home.
You have a two-room, three-room, four-room.
We have a one-room home
because a one-room home holds all we have.
We have a one-room home
because we do not want
a two-room, three-room, four-room.
If we had a two-room, three-room, four-room
we would need more than a one-room home.
We have a one-room home.
We like a one-room home.'

"The plaintiff's grievance is that the defendant Durante, who is an actor, entertainer and radio performer, 'sang, shouted and recited' the three poems at performances of a musical play, at various performances in other places of entertainment, and over the radio. It is averred that the defendant's use of the poems constituted an infringement of the plaintiff's copyright. The defendant takes the position that the facts pleaded do not establish infringement.

"Under the present Copyright Act, protection against public performance or delivery of copyrighted works is afforded only in the case of a lecture, sermon, address or similar production, a drama, or a musical composition. Section 1; 17 U. S. C. A., section 1. Other copyrighted works may be recited in public for profit without infringement. The point is of some moment, now that radio broadcasting of novels, poems and so on is widespread. Nevertheless, it is recognized that except as to the classes of copyrighted works referred to above, the author under the existing statute cannot complain of public performance of his copyrighted works. *Outline of Copyright Law,* by De Wolfe, pp. 111-112; *Weil on Copyright,* p. 85. It is essential to the maintenance of this suit therefore, that the poems be treated as dramatic compositions, either in their original form or as part of the play into which they were later carried.

"In their original form and as first written, the poems were not dramatic works. They were not cast in the dramatic form; they were lacking in plot, characters and action. They may have had dramatic possibilities, when taken with other material; but they were not dramatic compositions within the ordinary meaning of the term. *Daly v. Palmer,* 6 Blatch, 264; *Fuller v. Blackpool Winter Gardens Co.,* 2 Q. B. 429. There was then no infringement of the first copyright.

"The case fails also as to infringement of the copyright of the poems as part of the plaintiff's play. It is true that the first copyright gave the plaintiff the exclusive right to dramatize the poems. It is also true that under section 6 of the Act the play was new and copyrightable matter. But by virtue of the same section the poems already copyrighted and taken into the play retained only their original copyrighted character. As to them, neither the scope nor the duration of the first copyright was extended. A stranger who thereafter used only the poems would not infringe the copyrighted play. The infringement, if any, would be of the initial copyright of the poems. See *American Code Co. v. Bensinger,* 282 Fed. 829; *McCaleb v. Fox Film Corporation,* 299 Fed. 48.

"The motion to dismiss will accordingly be granted."

REPUBLICANS CONSIDER RADIO

The creed of the Republican National Committee adopted at its meeting at Chicago this week contains the following provision:

"We believe in freedom of speech and in freedom of the press, and in freedom of the radio for the discussion of public questions."

COMMERCIAL SECTION MEETS JUNE 19

All NAB members are invited to attend the third annual meeting of the NAB Commercial Section to be held at Hotel Pennsylvania, New York, June 19 and 20. The meeting is being held in connection with the annual convention of the Advertising Federation of America. Advertisers, agencies and broadcasters will attend the meeting. A joint meeting of the NAB Commercial Committee and the AAAA Radio Committee will be held on June 19.

LONG ASKS INVESTIGATION

Senator Huey Long of Louisiana has introduced a resolution (S. Res. 260) in the Senate asking for an investigation of the Radio Commission as follows:

Whereas, on the floor of the United States Senate, the senior Senator from Iowa (Mr. Dickinson) has declared to the effect that the Federal Radio Commission in dealing with the New Orleans-Shreveport radio controversy, had changed and rechanged, reversed and re-reversed its opinion, findings, and orders by reason of pressure exerted from the White House; and

Whereas, if untrue, the same should be made to immediately appear: Now, therefore, be it

Resolved, That the said charges as made by the said Senator from Iowa be investigated by a special committee composed of five persons, not more than three of whom should be a member of any one political party, to investigate into the subject matter covered by the charges of the said Senator from Iowa (Mr. Dickinson) on the floor of the Senate on Tuesday, June 5, 1934,

and to make report thereon at the earliest possible date; and be it furtber

Resolved, That the said committee shall have the authority to subpena witnesses, compel the production of books and papers, and take testimony under oath, to the end that full and complete disclosure may be made relative to said charges.

NO ASCAP TAX ON POLITICAL PROGRAMS

In response to several inquiries received at NAB headquarters, we publish below tbe memorandum issued on October 10, 1932, by the American Society of Composers, Authors and Publishers on the subject of political programs:

Believing that a substantial public service is rendered to the Nation by the various political candidates in their discussions through radio of problems which confront the Government, and desiring to support in every consistent manner the dissemination of such information and to contribute our bit toward the service of the people, please take note:

While the formula endorsed by the Board of Directors of the National Association of Broadcasters and accepted by our Society under wbich licenses are to issue as of September 1st, 1932, covering the use in broadcast performances of music copyrighted by our members, provides that a percentage is to be paid to the Society of all net receipts in respect of all programs without exception for wbicb the time is sold, we are going to waive the collection of the amount represented by those percentages as far as *political addresses* are concerned.

Tberefore, in accounting on the forms provided by our Society for "Net Receipts" from the sale of time, you may eliminate all straight political programs regardless of tbe party affiliations of the speaker, and regardless of whether as an incident to such programs music copyrighted by members of the Society is used.

As to stations which have already made remittances of percentages in respect of such programs hereafter rendered, we would thank tbem to make claim upon us for a refund of the amount thereof. These refunds will be made witb the distinct understanding however that if at the time the sale of facilities was made the political party or candidate who purcbased this time was charged an additional music license fee the amount thereof shall be refunded by tbe station.

We would thank you to acknowledge receipt and understanding of the above waiver, and if there is any additional information or clarification desired please do not hesitate to query us.

RECOMMENDS KPJM LICENSE RENEWAL

Frank Wilburn filed an application witb tbe Radio Commission asking for a construction permit for the erection of a new broadcasting station at Prescott, Ariz., to use the facilities of Station KPJM at that place while the station asked for license renewal. Ralph L. Walker(e) in Report No. 563 this week recommended tbat the application of Wilburn be denied and that the station license of KPJM be renewed.

The Examiner found that Wilburn had failed to show that the service to be rendered by his proposed new station would not be in any way superior to that of KPJM.

KICK REAFFIRMATION RECOMMENDED

The Red Oak Radio Corporation, Carter Lake, Iowa, applied to the Radio Commission for consent to the voluntary assignment of the license of Station KICK to the Palmer School of Chiropractic, Davenport, Iowa. The Palmer School also applied to the Commission for permission to move the station to Davenport, to change its frequency from 1420 to 1370 kilocycles, and to change the call letters to WOC. George H. Hill(e) in Report No. 562 this week recommends that botb of these applications be granted.

On January 24 of this year the Commission granted these applications but protests were filed by Station WHBF, Rock Island, Ill., and by KSO, Des Moines, Iowa. The Commission then set the case for further hearing and the Examiner now recommends, after hearing, that tbe former action of the Commission be affirmed. He states that the protestants failed to show that the operation of the proposed station at Davenport "would to any appreciable extent curtail the advertising business of tbe protestant."

WWL APPEAL DISMISSED

The Court of Appeals of the District of Columbia has dismissed the appeal of Station WWL, New Orleans, La., at the request of the appellant. In tbis appeal the station protested a grant of the Radio Commission of license assignment to KWKH.

WESTINGHOUSE ADOPTS SAFETY RULES

The Westinghouse Electric & Manufacturing Co., operators of broadcasting stations WBZ-WBZA, KYW and KDKA, has adopted safety rules for broadcasting station engineers. The rules were evolved through a study by Westinghouse safety engineers and those of the Travelers Insurance Company. Proper enforcement of safety rules, such as those outlined, should result in a material reduction of hazards encountered in station operation.

The rules are as follows:

"SAFETY RULES

"Westingbouse Radio Stations

"Definitions of Dangerous Voltages—Radio Transmitting Stations:

"A—All voltages above 450 volts direct-current and 220 volts alternating-current are to be considered *Dangerous Voltages.*

"B—All radio frequency circuits energized by tubes of 250 watts power or greater are to be considered as carrying *Dangerous Voltages.*

"Rules to Be Observed Wben Associating with Dangerous Voltages:

"1—Power Apparatus supplying dangerous voltages to equipment to be worked on shall be shut down.

"2—A Ground Chain shall be put on each part of the apparatus which may be energized from a source of dangerous voltage before any part of the apparatus is touched.

"3—Mechanical or Electrical Interlocks which have been installed for safety purposes shall *never* be rendered inoperative.

"4—Control Voltages shall be removed from control or interlock apparatus before any work is performed on it.

"5—Interlock Doors shall never be closed witb any person behind them unless dangerous voltages bave been removed from tbe apparatus which they inclose.

"6—Disconnect Switches carrying 2300 volts or more shall be opened only with the use of approved rubber gloves and a book stick not less than five feet long for 2300 or 4000 volt circuits and ten feet long for 11,000 or 22,000 volt circuits.

"7—Disconnect Switches shall not be opened under load.

"8—Warning Signs sball be placed on tbe control panel at any time wben men are working on equipment away from the panels as an indication that men are at work and the equipment is not to be energized. These signs shall be placed on the panels by the man who is to do the work and can be removed only by him.

"9—Asbestos Gloves shall be worn in removing any transmitting tube from its socket if the filament has been burning within five minutes preceding the removal.

"10—Fuse Tongs shall be used to remove and replace all fuses carrying dangerous voltages.

"Penalty for Violation of Rules—

"Two weeks' suspension without pay or immediate dismissal depending upon circumstances involved.

"Note:—Under emergency or other unusual conditions these rules may be modified temporarily by the Plant Manager or bigher authority.

HARRY HOWLETT DIES

The NAB with sorrow announces the death of Harry Howlett, commercial manager of Station WHK, Cleveland, Ohio. Mr. Howlett died on June 6 following a sbort illness at a hospital. Funeral services were held Friday at Cleveland. Mr. Howlett is well known throughout the broadcasting industry and was active in committee work of the NAB for several years. He was an indefatigable worker; popular among all who knew him; and througb his efforts he had risen to a high place in tbe broadcasting world. The industry has incurred an irreparable loss with bis passing. He leaves two brothers, M. A. Howlett, of Cleveland; E. S. Howlett, of Columbus, Ohio; a father, L. E. Howlett, of Los Angeles, Calif.; a wife and two small cbildren.

SECURITIES ACT REGISTRATION

The following companies filed registration statements with the Federal Trade Commission under the Securities Act during the current week:

Oliver Cromwell, Inc., New York City (2-910, Form D-2).

Pennmar Shares, Inc., Hazleton, Pa. (2-911, Form A-1).

Cole Realty Company, Inc., Bluefield, W. Va. (2-912, Form D-2).

Elizabeth Brewing Corporation, Elizabetb, N. J. (2-913, Form A-1).

First Mortgage Bondholders Protective Committee of St. Louis Gas & Coke Corporation, Milwaukee, Wis. (2-914, Form D-1).
Market Street Realty Co. Bondholders Protective Committee, San Francisco, Cal. (2-915, Form D-1).
Union Deposit Company, Denver, Col. (2-916, Form A-1).
Affiliated Investors Fund, Inc., Jersey City, N. J. (2-917, Form A-1).
Uniontown Distilling Syndicate, Uniontown, Pa. (2-918, Form A-1).
Hannah-Porter Company, Shelby, Mont. (2-919, Form A-1).

FEDERAL RADIO COMMISSION ACTION

HEARING CALENDAR

Monday, June 11, 1934

KGFK—Red River Broadcasting Co., Inc., Moorhead, Minn.—C. P. **1500 kc.**, 100 watts, unlimited. (Requests permit to move transmitter from Moorhead to Duluth, Minn.)

Tuesday, June 12, 1934

NEW—Charles Henry Gunthorpe, Jr., Nacogdoches, Texas— C. P. **1420 kc.**, 100 watts, daytime.
NEW—D. J. Burton and L. C. Davis, Temple, Texas—C. P. **990 kc.**, 250 watts, daytime.

Wednesday, June 13, 1934

ORAL ARGUMENT BEFORE COMMISSION EN BANC

Examiner's Report No. 545

WJBW—Charles C. Carlson, New Orleans, La.—Modification of license, **1200 kc.**, 100 watts, unlimited. (Facilities WBBX.) Present assignment: **1200 kc.**, 100 watts. Shares with WBBX.
WBBX—Samuel D. Reeks, New Orleans, La.—Voluntary assignment to Coliseum Place Baptist Church. **1200 kc.**, 100 watts; shares with WJBW.
WBBX—Samuel D. Reeks, New Orleans, La.—Renewal of license; **1200 kc.**, 100 watts; share with WJBW.

Examiner's Report No. 555

WJJD—WJJD, Inc., Chicago, Ill.—Modification of license, **1130 kc.**, 20 KW, limited time. (Requests authority to move studio to Chicago, Ill.) Present assignment: **1130 kc.**, 20 KW, limited time.

Examiner's Report No. 546

NEW—John L. Hopkins, Hammond, Ind.—C. P., **1320 kc.**, 1 KW; share with WGES. (Facilities formerly assigned WIND.)
WSBC—WSCB, Inc., Hammond, Ind.—C. P. to move from Chicago to Hammond, Ind.; **1360 kc.**, 1 KW, 1¼ KW LS; share with WGES. (Facilities formerly assigned WIND.)
WHBY—WHBY, Inc., Green Bay, Wis.—C. P.; **1360 kc.**, 1 KW, unlimited time. (Facilities formerly assigned WIND and facilities of WGES.) Present assignment: **1200 kc.**, 100 watts, unlimited time.
WGES—Oak Leaves Broadcasting Station, Inc., Chicago, Ill.—Modification of license, **1360 kc.**, 500 watts, 1 KW LS, unlimited time. (Facilities WCBD.) Present assignment: **1360 kc.**, 500 watts, 1 KW LS, 3/7 time, Sunday.
WCBD—Wilbur Glenn Voliva, Zion, Ill.—Renewal of license, **1080 kc.**, 3 KW, limited time.
WFBM—Indianapolis Power & Light Co., Indianapolis, Ind.—Modification of license, **1230 kc.**, 1 KW, unlimited time. (Facilities WSBT.) Present assignment: **1230 kc.**, 1 KW, specified hours.
WSBT—South Bend Tribune, South Bend, Ind.—Renewal of license, **1230 kc.**, 500 watts, specified hours.
WSBT—South Bend Tribune, South Bend., Ind.—Modification of license, **1360 kc.**, 500 watts, specified hours. (Facilities formerly assigned WIND.) Present assignment: **1230 kc.**, 500 watts, specified hours.
WBOW—Banks of Wabash, Inc., Terre Haute, Ind.—C. P., **1360 kc.**, 500 watts, unlimited time, 1 KW LS. (Facilities of WGES.)
WGES—Oak Leaves Broadcasting Station, Inc., Chicago, Ill.—Renewal of license, **1360 kc.**, 500 watts, 1 KW LS, share with WIND on former assignment. (Sundays.)

APPLICATIONS GRANTED

First Zone

WTBO—Associated Broadcasting Corp., Cumberland, Md.—Granted C. P. to install new equipment, **1420 kc.**, 100 watts night, 250 watts LS, unlimited.
WTAG—Worcester Telegram Publishing Co., Inc., Worcester, Mass.—Granted authority to determine operating power by direct antenna measurement. Also granted license covering local move of transmitter; **580 kc.**, 500 watts, unlimited.

Second Zone

KDKA—Westinghouse Electric and Manufacturing Co., Pittsburgh, Pa.—Granted C. P. to install new equipment. (Alternate main transmitter.)
KDKA—Same—Granted license to cover above C. P.
WBNS—WBNS, Inc., Columbus, Ohio—Granted modification of C. P. to extend completion date to Sept. 1, 1934.

Third Zone

WHET—Dothan Broadcasting Co., Dothan, Ala.—Granted special temporary authority to operate from 6:45 to 10 p. m., CST, on June 8.
WCSC—South Carolina Broadcasting Co., Charleston, S. C.—Granted modification of license to increase day power from 500 watts to 1 KW.
WFBC—Greenville News-Piedmont Co., Greenville, S. C.—Granted C. P. to change frequency from **1200 kc.** to **1300 kc.**, increase power from 100 watts night, 250 watts day, to 250 watts night, 1 KW LS, and make changes in equipment.
WWL—Loyola University, New Orleans, La.—Granted modification of license for special experimental authority to change hours of operation from specified to unlimited—facilities of KWKH to be considered with 3-P-B-3249 of KWKH (no change frequency **850 kc.** or power 10 KW). (Lafount voted for hearing.)
KWKH—International Broadcasting Corp., Shreveport, La.—Granted C. P. for special experimental authority to move transmitter to site to be determined, change frequency from **850 kc.** to **1100 kc.**, change hours from specified to unlimited and install directional antenna. To be considered with 3-ML-B-1351 above. (Lafount voted for hearing.)

Fourth Zone

KMBC—Midland Broadcasting Co., Kansas City, Mo.—Granted license for auxiliary transmission, **950 kc.**, 1 KW, for emergency purposes.
WRHM—Minnesota Broadcasting Corp., Minneapolis, Minn., T-Richfield, Minn.—Granted modification of C. P. to extend completion date from 7/16/34 to 9/1/34. First request for extension of time. (Original C. P. to move transmitter from Fridley to Richfield, Minn.)

Fifth Zone

KGIW—Leonard E. Wilson, Alamosa, Colo.—Granted special temporary authority to operate simultaneously with KIDW from 8 a. m. to 12 noon, MST, daily, except Sunday, for period ending not later than June 30.
KIDW—The Lamar Broadcasting Co., Lamar, Colo.—Same as above only simultaneously with KGIW.
KOA—National Broadcasting Co., Inc., Denver, Colo.—Granted license covering installation of new equipment; increase in power and moving of transmitter locally; **830 kc.**, 50 KW, unlimited.
KFOX—Nichols & Warinner, Inc., Long Beach, Calif.—Granted authority to determine operating power by direct antenna measurement.
KOA—National Broadcasting Co., Inc., Denver, Colo. (Auxiliary)—Granted modification of license to use old transmitter of KOA as auxiliary transmitter. (5-L-B-1070 license covering use of new transmitter granted 6/5/34.)

KGIR—KGIR, Inc., Butte, Mont.—Granted modification of license to increase night power from 500 watts to 1 KW (no change in frequency, **1360 kc.**, or day power 1 KW or hours, unlimited).

SET FOR HEARING

NEW—Gino Amatucci, Latrobe, Pa.—C. P. for new station; **1210 kc.**, 50 watts, specified hours.

NEW—Lawrence B. Amelung, Washington, Mo.—C. P. for new station; **1420 kc.**, 50 watts, unlimited time.

NEW—Bamberger Broadcasting Service, Inc., Kearney, N. J.—License (special experimental) for **710 kc.**, 2500 to 5000 watts.

NEW—Portland Broadcasting System, Inc., Portland, Maine—C. P. for new station to use **640 kc.**, 500 watts, limited time (6 a. m. to local sunset at Los Angeles, Calif.)

NEW—Plattsburg Broadcasting Corp., Plattsburg, N. Y.—C. P. for new station to use **1310 kc.**, 100 watts daytime. Requests consideration under Rule 6 g.

NEW—Richard Field Lewis, Del Monte, Calif.—C. P. for new station at Del Monte Hotel, Del Monte, Calif., to use **1210 kc.**, 100 watts, daytime.

KHJ—Don Lee Broadcasting System, Los Angeles, Calif.—C. P. to install new equipment, increase power from 1 KW to 1 KW night, 2½ KW to local sunset. Requests consideration under Rule 6 g. (**900 kc.**, 1 KW, unlimited.) (Lafount and Brown voted to grant.)

KFRC—Don Lee Broadcasting System, San Francisco, Calif.—C. P. to install new equipment, increase power from 1 KW to 1 KW night, 2½ KW to local sunset. Requests consideration under Rule 6 g. (**610 kc.**, 1 KW, unlimited.) (Lafount and Brown voted to grant.)

KGB—Don Lee Broadcasting System, San Diego, Calif.—C. P. to install new equipment, increase power from 1 KW to 1 KW night, 2½ KW to local sunset. (**1330 kc.**, 1 KW, unlimited.) (Lafount voted to grant.)

WNRA—Muscle Shoals Broadcasting Corp., Muscle Shoals City, Ala.—Modification of license to change hours of operation from daytime to unlimited (no change, **1420 kc.**, 100 watts). Requests consideration under Rule 6.

MISCELLANEOUS

NEW—Cyril W. Reddoch, The Friendly Broadcasting Co., Columbus, Miss.—Application submitted for denial, applicant having failed to enter appearance within time allowed. C. P. **1370 kc.**, 100 watts, daytime.

NEW—Roy W. Buebland, Chippewa Falls, Wis.—Submitted for dismissal at request of applicant. C. P. **1530 kc.**, 150 watts. 12 m. to 9 p. m.

Julio M. Conesa, Puerto Rico—Granted petition to remand to docket application for C. P. for new radio broadcasting station to operate on **1420 kc.**, 100 watts. Case reopened to permit applicant to submit further evidence.

NEW—Charles Dixon Gentsch, Greensboro, N. C.—C. P. to erect new station, heretofore set for hearing, was dismissed at request of applicant.

KGKO—Wichita Falls Broadcasting Co., Wichita Falls, Tex.—Special experimental authority heretofore set for hearing, was dismissed at request of applicant.

RATIFICATION

WGLC—O. T. Griffin and G. F. Bissell, Hudson Falls, N. Y.—Granted voluntary assignment of license to Adirondack Broadcasting Co., Inc.

APPLICATIONS RECEIVED

First Zone

WTBO—Associated Broadcasting Corp., Cumberland, Md.—Construction permit to install new equipment.

WTBO—Associated Broadcasting Corp., Cumberland, Md.—Modification of license to change frequency from **1420 kc.** to **800 kc.**, and hours of operation from unlimited to daytime, 250 watts.

WHDH—Matheson Radio Co., Inc., Boston, Mass.—Modification of license to increase power from 1 KW to 5 KW and hours of operation from daytime to unlimited.

Second Zone

WKOK—Sunbury Broadcasting Corp., Sunbury, Pa.—Modification of license to increase hours of operation from specified to unlimited. Facilities of WBAX, Wilkes-Barre, Pa.

WDBJ—Times World Corp., Roanoke, Va.—Construction permit to install new equipment and increase power from 500 watts to 500 watts, night, 1 KW, daytime. (Consideration under Rule 6 g.)

WNBO—John Brownlee Spriggs, Silver Haven, Pa.—Construction permit to move transmitter and studio to a location to be determined near Elco, Pa., and make changes in equipment.

Third Zone

WQBC—Delta Broadcasting Co., Inc., Vicksburg, Miss.—Modification of license to increase power from 500 watts to 1 KW and hours of operation from daytime to specified hours.

NEW—W. C. Hilgedick and Geo. C. Knaur, Denison, Texas—Construction permit to erect a new station to operate on **1200 kc.**, 100 watts, daytime.

NEW—The Herald Publishing Co., Denison, Texas—Construction permit to erect a new station on **880 kc.**, 100 watts, daytime. *Amended* to request **1200 kc.**, transmitter location to be determined and application to be considered under Rule 6 g.

WSFA—Montgomery Broadcasting Co., Inc., Montgomery, Ala.—License to cover construction permit granted 4/6/34 to move transmitter locally and equipment change.

WAMC—Raymond C. Hammett, Anniston, Ala.—Modification of construction permit to move from Anniston to Selma, Ala. *Amended* to move transmitter to Y. M. C. A. Building, Broad Street, Selma, Ala., install new equipment and change frequency from **1420 kc.** to **1500 kc.**

WGST—Georgia School of Technology, Atlanta, Ga.—Modification of license to increase power from 250 watts night, 1 KW, daytime, to 500 watts night, 1 KW, daytime. Consideration under Rule 6 g.

KWKH—International Broadcasting Corp., Shreveport, La.—Construction permit to move transmitter to a site to be determined, Shreveport, La., change frequency from **850 kc.** to **1100 kc.**, install directional antenna and increase hours of operation from specified to unlimited.

WWL—Loyola University, New Orleans, La.—Modification of license to increase hours of operation from specified to unlimited. Facilities KWKH, Shreveport, La. See application KWKH above.

KLUF—Geo. Roy Clough, Galveston, Texas.—Construction permit to install new equipment and increase power from 100 watts to 100 watts night, 250 watts daytime.

WJDX—Lamar Life Insurance Co., Jackson, Miss.—License to cover construction permit granted 2-20-34 to make changes in equipment and increase power.

Fourth Zone

WRHM—Minnesota Broadcasting Corp., Minneapolis, Minn.—Modification of construction permit granted 3-16-34 authorizing move of transmitter, to extend date of completion to 9-1-34.

KGGF—Hugh J. Powell and Stanley Platz, d/b as Powell and Platz, Coffeyville, Kansas.—Modification of license to increase power from 500 watts night, 1 kilowatt daytime to 1 kilowatt, day and night.

WAAF—Drovers Journal Publishing Co., Chicago, Ill.—Construction permit, to rebuild the station destroyed by fire with new equipment.

WCBD—Wilbur Glenn Voliva, Zion, Ill.—Voluntary Assignment of license to WCBD, Inc.

Fifth Zone

KMTR—KMTR Radio Corporation, Los Angeles, Calif.—Modification of license to increase night power from 500 watts to

1 kilowatt. Now licensed for 500 watts daytime and nighttime.

KQW—Pacific Agricultural Foundation, Ltd., San Jose, Calif.—Construction permit to install new equipment and increase power from 500 watts to 500 watts after 7 p. m. and 1 kilowatt up to 7 p. m. (Consideration under Rule 6-g.)

KGA—Louis Wasmer, Spokane, Wash.—Special experimental authorization to operate on **900 kc.**, 1 KW, night, 2½ KW, daytime, unlimited time for period ending 11/1/34.

KIDO—C. G. Phillips and Frank Hill, d/b as Boise Broadcast Station, Boise, Idaho.—Construction permit to make changes in equipment and increase power from 1 kilowatt to 1 kilowatt night, 2½ kilowatt daytime.

KMTR—KMTR Radio Corp., Los Angeles, Calif.—Modification of license to increase power from 500 watts to 500 watts daytime, 1 kilowatt night, *amended* to request increase in power to 1 kilowatt day and night.

APPLICATIONS RETURNED

WJDX—Lamar Life Insurance Co., Jackson, Miss.—License to cover construction permit (wrong form).

WTBO—Associated Broadcasting Co., Cumberland, Md.—Construction permit to make changes in equipment, change frequency from **1420 kc.** to **800 kc.**, power from 100 watts night, 250 watts day, to 250 watts and hours of operation from unlimited to daytime. (Request of applicant.)

NEW—T. H. Barton, El Dorado, Ark.—Construction permit to erect a new station to be operated on **1370 kc.**, 100 watts, unlimited time. (Unsatisfactory transmitter site and equipment.)

KGA—Louis Wasmer, Spokane, Wash.—Modification of license to change frequency to **900 kc.**, power from 5 KW to 1 KW night, 2½ KW day. (Request of applicant.)

NEW—E. D. Sparrow, Kinston, N. C.—Construction permit to erect a new station. (Frequency and power not stated, Rule 6, unsatisfactory transmitter site.)

NEW—Helena Broadcasting Co., Helena, Mont.—Construction permit to erect a new station. (Frequency and time not stated, applicant's request.)

WBIG—North Carolina Broadcasting Co., Greensboro, N. C.—Voluntary assignment of license to North Carolina Broadcasting Co., Inc. (Not necessary as only a transfer of stock.)

WCFL—Chicago Federation of Labor, Chicago, Ill.—Extension of special experimental authorization to operate unlimited time. (Not signed.)

KXA—American Radio Telephone Co., Seattle, Wash.—Extension of special experimental authorization to operate to 10 p. m., PST, 250 watts. (Not signed.)

The National Association of Broadcasters

NATIONAL PRESS BUILDING ★ ★ ★ ★ ★ WASHINGTON, D. C.

PHILIP G. LOUCKS, Managing Director

NAB REPORTS

★ ★ ★ ★ ★

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BROADCAST ADVERTISING IN APRIL

Broadcast advertising in April declined 4.9% as compared with the preceding month, although still remaining considerably above the general level for the present season. Gross sales of time amounted to $6,669,957.00. The drop in radio advertising volume is due principally to a 6.5% decrease in network revenue, station business having dropped a little less than half that proportion. The network decline is primarily seasonal in nature. National spot advertising remained at approximately the March level, while marked gains were experienced in the electrical transcription field.

Revenues of 100 watt stations rose slightly, while the receipts of those over 5,000 watts in power decreased slightly. Small gains in volume of business were recorded in the New England-Middle Atlantic Area, advertising volume in other sections of the country having decreased slightly. The principal industrial trends of interest were the marked gains in national spot advertising in the automomile and automotive accessory fields.

Trend in General Advertising

Tbe trend in general radio advertising is found in Table I:

TABLE I

TOTAL BROADCAST ADVERTISING VOLUME

Class of Business	*March*	*1934 Gross Receipts April*	*Cumulative Jan.-April*
National networks ..	$4,000,698.00	$3,739,719.00	$15,104,876.00
Regional networks ..	66,516.00	61,888.00	236,914.00
Individual stations ..	2,953,530.00	2,868,350.00	10,476,936.00
Total	$7,020,744.00	$6,669,957.00	$25,818,726.00

National network time sales during April declined 6.5%, while regional network revenues dropped 7% in volume. Network decreases were due mainly to seasonal trends. National network volume during April was 52% above that of the same month of 1933, altbough it must be remembered that April and May of that year marked the lowest ebb of network advertising since 1931. Non-network business declined 3.1% in April as compared with March, this tendency being contrary to the general retail advertising trend sbown in other media.

Comparison with Other Media

A comparison of the relative volume of broadcast and other advertising is found in Table II:

TABLE II

ADVERTISING VOLUME BY MAJOR MEDIA

Advertising Medium	*March*	*1934 Gross Receipts April*	*Cumulative Jan.-April*
Radio Broadcasting.	$7,020,744.00	$6,669,957.00	$25,818,726.00
National magazines[1].	10,955,396.00	11,974,032.00	37,669,404.00
National farm papers	496,892.00	593,059.00	1,850,649.00
Newspapers	41,011,500.00	44,501,000.00	153,244,250.00
Total	$59,484,532.00	$63,738,048.00	$218,583,029.00

[1] National magazine totals are for 108 periodicals, prepared by Publishers' Information Bureau, Inc., from wbich source national farm papers and networks are also taken.

National magazine advertising increased 9.3% in April as compared with the previous month. Monthly magazine volume was 16% higher than in April, 1933, while weekly magazine volume showed a 32% increase over the same month of the preceding year. National farm paper advertising increased 19.3% as compared with March and was above last year's volume. Newspaper advertising volume rose 7.4% as compared with the previous month.

Non-Network Advertising by Power of Station

Other than a slight decline in volume of advertising broadcast over stations of more than 5,000 watts in power and a similarly small rise in the volume placed over 100 watt stations, there were no changes of significance during tbe month. Revenues of stations over 5,000 watts in power decreased 10.9% as compared with March, while stations in the 100 watt class experienced a 5.7% increase as compared with the previous month. The volume of non-network advertising placed over various classes of stations is found in Table III:

TABLE III

NON-NETWORK BROADCAST ADVERTISING BY POWER OF STATION

Power of Station	*March*	*1934 Gross Receipts April*	*Cumulative Jan.-April*
Over 5,000 watts....	$1,205,383.00	$1,073,740.00	$4,075,103.00
2,500-5,000 watts ...	183,000.00	184,600.00	776,685.00
250-1,000 watts	1,163,819.00	1,185,780.00	4,258,332.00
100 watts and under.	401,328.00	424,230.00	1,366,816.00
Total	$2,953,530.00	$2,868,350.00	$10,476,936.00

Advertising by Geographic Districts

The amount of non-network advertising placed over stations located in various parts of the country is found in Table IV:

TABLE IV

NON-NETWORK BROADCAST ADVERTISING BY GEOGRAPHICAL DISTRICTS

Geographical District	*March*	*1934 Gross Receipts April*	*Cumulative Jan.-April*
New England-Middle Atlantic Area	$ 975,167.00	$1,025,090.00	$3,265,698.00
South Atlantic-South Central Area	403,100.00	386,200.00	1,533,330.00
North Central Area..	1,127,583.00	1,028,670.00	3,994,887.00
Pacific and Mountain Area	447,680.00	428,390.00	1,683,021.00
Total	$2,953,530.00	$2,868,350.00	$10,476,936.00

Non-network advertising in the New England-Middle Atlantic Area increased 5.1% as compared with March, while non-network volume in other sections of the country declined slightly. The South Atlantic-South Central Area experienced a decrease of 6.7%, the North Central Area one of 9.1%, and the Pacific and Mountain Area a decline of 4.2% as compared with the previous month.

Spot and Local Advertising

The relative volume of spot and local non-network advertising is found in Table V:

TABLE V

COMPARISON OF NATIONAL SPOT AND LOCAL BROADCAST ADVERTISING

Class of Business	March	1934 Gross Receipts April	Cumulative Jan.-April
National spot	$1,509,643.00	$1,491,770.00	$5,156,361.00
Local	1,443,887.00	1,376,580.00	5,320,575.00
Total	$2,953,530.00	$2,868,350.00	$10,476,936.00

It will be noted that the principal decline in non-network volume during the month of April was in the local field where revenues from the sale of time decreased 4.6% as against the preceding month. National spot advertising remained at approximately the same level as March, experiencing a 1.2% drop.

Advertising by Type of Rendition

The trend with regard to electrical transcription, live spot, record broadcasts and spot announcements during the month is found in Tables VI and VII:

TABLE VI

NON-NETWORK BROADCAST ADVERTISING BY TYPE OF RENDITION

Type of Rendition	March	1934 Gross Receipts April	Cumulative Jan.-April
Electrical transcriptions	$ 686,317.00	$ 868,580.00	
Live talent programs	1,389,598.00	1,146,230.00	
Records	48,777.00	47,910.00	
Spot announcements	828,838.00	805,630.00	
Total	$2,953,530.00	$2,868,350.00	

TABLE VII

COMPARISON OF LOCAL AND NATIONAL SPOT ADVERTISING BY TYPE OF RENDITION

(April 1934)

Type of Rendition	National spot	Gross Receipts for Month Local	Total
Electrical transcriptions	$ 757,420.00	$ 111,160.00	$ 868,580.00
Live talent programs	457,710.00	688,520.00	1,146,230.00
Records	10,010.00	37,900.00	47,910.00
Spot announcements	266,630.00	539,000.00	805,630.00
Total	$1,491,770.00	$1,376,580.00	$2,868,350.00

Marked gains were experienced during April in the electrical transcription field, advertising volume of this type increasing 23.6% as compared with March and reaching the high point of the current season. The increase in the electrical transcription business was due almost entirely to national spot volume, which rose 33.6% as compared with the previous month. Live talent volume dropped 17.8% as compared with March, due principally to a 30.4% decline in national spot volume. Spot announcement volume held its own in both the national spot and local fields, the total volume of this type of business declining to 2.7% during the month. There was no change in the record field.

Participations

The volume of participation business increased materially in April, due to a 50% rise in live talent programs of this type. Data regarding the total volume of participations during the current month is found in Table VIII:

TABLE VIII

PARTICIPATIONS OVER INDIVIDUAL STATIONS

Type of Rendition	March	1934 Gross Receipts April	Cumulative Jan.-April
Electrical transcriptions	$ 214.00	$ 150.00	$ 820.00
Live talent programs	70,490.00	105,330.00	438,820.00
Records	8,070.00	7,600.00	31,244.00
Total	$78,774.00	$113,080.00	$470,884.00

Radio Advertising Sponsors

Conflicting tendencies, mostly seasonal in origin, have exhibited themselves with regard to radio advertising sponsorship by various types of business during the month of April. Non-network automotive and accessory advertising rose markedly, due to material increases in national spot business in these two fields. In addition to the changes already noted, local advertising by radio dealers increased 62% as compared to March. Increased expenditures for radio advertising occurred in the clothing, toilet goods, household equipment, soap and kitchen supplies, and department store fields. Declines took place in the drug, food, confection, financial and tobacco fields. The volume of broadcast advertising sponsored by various types of business is found in Tables IX and X:

TABLE IX

RADIO BROADCAST ADVERTISING VOLUME BY TYPE OF SPONSORING BUSINESS

(April 1934)

Type of Sponsoring Business	Gross Receipts for Month National Networks	Regional Networks	Individual Stations	Total
1a. Amusements	—	—	$39,900.00	$39,900.00
1-2. Automoiles and Accessories:				
(1) Automobiles	$220,078.00	$265.00	129,790.00	350,133.00
(2) Accessories, gas and oils	358,700.00	22,704.00	207,145.00	588,549.00
3. Clothing and apparel	37,587.00	975.00	186,755.00	225,317.00
4-5. Drugs and toilet goods:				
(4) Drugs and pharmaceuticals	326,624.00	3,090.00	406,600.00	736,314.00
(5) Toilet goods	862,761.00	—	131,250.00	994,011.00
6-8. Food products:				
(6) Foodstuffs	726,540.00	8,415.00	542,680.00	1,277,635.00
(7) Beverages	296,890.00	9,439.00	128,340.00	434,669.00
(8) Confections	108,544.00	200.00	44,000.00	152,744.00
9-10. Household goods:				
(9) Household equipment and furnishings	47,470.00	5,910.00	199,600.00	252,980.00
(10) Soap and kitchen supplies	196,885.00	—	42,920.00	239,805.00
11. Insurance and financial	62,808.00	2,784.00	68,040.00	133,632.00
12. Radios	44,923.00	—	15,300.00	60,223.00
13. Retail establishments	—	—	117,030.00	117,030.00
14. Tobacco products	325,928.00	—	8,430.00	334,358.00
15 Miscellaneous	123,981.00	8,106.00	600,570.00	732,657.00
Total	$3,739,719.00	$61,888.00	$2,868,350.00	$6,669,957.00

TABLE X

NON-NETWORK ADVERTISING VOLUME BY TYPE OF SPONSORING BUSINESS

(April 1934)

Type of Sponsoring Business	National Spot	Gross Receipts for Month Local	Total
1a. Amusements	$ 200.00	$39,700.00	$39,900.00
1–2. Automobiles and Accessories:			
(1) Automobiles	83,310.00	46,480.00	129,790.00
(2) Accessories, gas and oils	142,555.00	64,590.00	207,145.00
3. Clothing and apparel	23,895.00	162,860.00	186,755.00
4–5. Drugs and toilet goods:			
(4) Drugs and pharmaceuticals	303,271.00	103,329.00	406,600.00
(5) Toilet goods	99,040.00	32,210.00	131,250.00
6–8. Food products:			
(6) Foodstuffs	348,104.00	194,576.00	542,680.00
(7) Beverages	60,390.00	67,950.00	128,340.00
(8) Confections	39,040.00	4,960.00	44,000.00
9–10. Household goods:			
(9) Household equipment and furniture	61,172.00	138,428.00	199,600.00
(10) Soap and kitchen supplies	32,360.00	10,560.00	42,920.00
11. Insurance and financial	17,463.00	50,577.00	68,040.00
12. Radios	3,410.00	11,890.00	15,300.00
13. Retail establishments	1,990.00	115,040.00	117,030.00
14. Tobacco products	3,560.00	4,870.00	8,430.00
15. Miscellaneous	272,010.00	328,560.00	600,570.00
Total	$1,491,770.00	$1,376,580.00	$2,868,350.00

The following trends are to be noticed in the aforementioned tables:

1a. Amusements: There was a slight increase in April advertising in the amusement field, although the total volume still remains materially below that of the fall season.

1. Automobiles: Although there was no change in the total volume of automotive advertising, important shifts occurred in the volume placed over various parts of the broadcasting structure. National network automotive advertising declined 17.2%, while non-network advertising rose 53.3% as compared with March. National spot volume practically doubled as compared with the previous month, while local advertising rose approximately 12%.

2. Accessories, gasoline and oil: Radio advertising in the accessory and gasoline fields rose 15.4% in April, due to seasonal causes. Network volume increased 7:0%, while individual station rose 40.8%. National spot volume more than doubled itself as compared with March, while local advertising declined.

3. Clothing: Total radio advertising expenditures in this field increased 7.6% as compared with March, national network advertising rising 12.1% and individual station business increasing 6.8%. The individual station increase was due principally to local advertisers.

4. Drugs and pharmaceuticals: Drug and pharmaceutical advertising over the air dropped 23.6% as compared with March, network volume declining 14.8% and individual station non-network volume dropping 29.1%. Both national spot and local advertising declined materially.

5. Toilet goods: A 3.5% increase was experienced in this field during the current month. Network advertising rose 2.0% and individual station advertising 12.8%, the latter due primarily to local sponsorship.

6. Foodstuffs: Food advertising over the air dropped 10.6% during April, network volume decreasing 7.6% and individual station business declining 11.0%, local and national spot business being affected about equally.

7. Beverages: There was little or no change in this field during the month. Network advertising increased slightly, while individual station business declined to a similar degree.

8. Confectionery: Advertising in this field decreased 22.9% as compared with March, network volume dropping 13.6% while national spot volume decreased by slightly more than half.

9. Household appliances: A gain of 5.5% was experienced in this field. Non-network business increased 26.7% due to a 73% rise in local advertising. National network volume declined 41.2%.

10. Soap and kitchen supplies: A gain of 7.0% was experienced by this class of business due principally to a 27.2% rise in non-network volume. This rise was shared equally by national, spot and local business.

11. Insurance and financial: There was a slight recession in this field during the month, no important changes taking place within the various parts of the radio structure.

12. Radio: Volume of advertising in this field rose 10% as compared with March due to a 62.6% rise in non-network business, the rise being almost exclusively in the local field.

13. Department stores and general retail establishments: There was a 6.3% rise in this field during the current month.

14. Tobacco products: Tobacco advertising declined 21% during April due to decreasing expenditures over national networks.

15. Miscellaneous: There was a decline of 8.8% in this general classification during the month, affecting all parts of the radio structure approximately equally.

Retail Advertising

The volume of retail advertising over individual stations is found in Table XI:

TABLE XI

RETAIL ADVERTISING OVER INDIVIDUAL STATIONS

(April 1934)

Type of Sponsoring Business	Gross Receipts for Month
Automobile and accessories:	
Automobile agencies and used car dealers	$49,478.00
Gasoline stations, garages, etc.	49,235.00
Clothing and apparel shops	143,116.00
Drugs and toilet goods:	
Drug stores	11,480.00
Beauty parlors	3,930.00
Food products:	
Grocery stores, meat markets, etc.	63,070.00
Restaurants and eating places[1]	19,300.00
Beverage retailers	2,104.00
Confectionery stores, etc.	2,113.00
Household goods:	
Household equipment retailers[2]	40,380.00
Furniture stores	56,920.00
Hardware stores	17,530.00
Radio retailers	14,270.00
Department and general stores	117,030.00
Tobacco shops	580.00
Miscellaneous	48,160.00
Total	$638,696.00

[1] Exclusive of hotels.

[2] Such as electric refrigerators, oil burners, sweepers, furnaces and the like.

General retail advertising during the month increased 12.5%, the rise being due to seasonal forces. Automotive advertising increased 32.7% and accessory advertising approximately 30%. Other marked gains during the month included a 37.5% rise in drug store advertising, an 18% rise in food advertising and material advances in the beverage, household equipment, furniture, hardware and radio dealer fields.

General Business Conditions

Following unsettled trends during most of April, business showed a slight downward tendency in May after allowance for seasonal trends was made. The New York Times Index on May 19 stood at 85.4% of the 1923-25 level as compared with 88.7% on April 28. The Detroit factory employment index on April 28 was 112.7, and on May 19 106.8. The index for automobile production declined from 130.2 to 100.0 during the period under discussion, while the stock price index dropped from 94.9 to 84.6. Steel production on the other hand rose from 72.4% of the 1923-25 level to 76.3%.

Declines were experienced in the textile field, in the volume of freight car loadings and in retail sales. Department store sales in April were slightly below the March level, while variety store sales were 8% lower than the previous month and chain store sales 3% less. Present indications seems to point toward a slowing up of business progress during the summer months, although the situation is too confused to make possible any very definite prognostication.

The National Association of Broadcasters

NATIONAL PRESS BUILDING ★ ★ ★ ★ ★ WASHINGTON, D. C.

PHILIP G. LOUCKS, Managing Director

NAB REPORTS

★ ★ NRA ★ ★

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PRESIDENT TO SIGN BILL

Although at a late hour Friday President Roosevelt had not signed the Communications Act of 1934, creating a Federal Communications Commission, his signature is momentarily expected. With the affixing of the President's signature, the Act will become effective July 1, 1934.

The Federal Radio Commission, created in 1927, expires on the July first date, and the regulation of broadcasting falls within the jurisdiction of the new Commission.

With Congress about ready to adjourn, it appeared doubtful if the President would appoint the seven members of the new Commission before adjournment. In view of the fact that the new Act does not become operative until July 1, when Congress will not be in session, the President may make recess appointments subject to confirmation when Congress reconvenes next January. The President stated, however, that the appointments would be announced before he leaves Washington for Honolulu.

While there have been many rumors of appointments to the new Commission, it was learned on high authority that the President has given little personal attention to naming Commissioners up to the present time.

The text of the Act, as passed by Congress, was published in full in last week's NAB REPORTS.

It is interesting to note that there are only three definitely new features in the present law as distinguished from the Radio Act of 1927, to which the NAB had objected. These are:

The provision (Section 316) prohibiting the broadcast of lotteries. This provision is similar to that contained in the Broadcasters' Code.

The provision (Section 325 b and c) relating to the tranmission of programs to stations outside the United States which had its inception in connection with Dr. Brinkley's Mexican station.

The requirement (Section 307-C) that the new Commission study the proposal that Congress shall by statute allocate a fixed percentage of broadcasting facilities to groups of non-profit stations.

When the Bill was originally introduced the NAB made objections to many provisions contained therein. These objections were voiced at public hearings before Committees of both Houses and urged during consideration of the Bill by the Congress. Largely through the efforts of the NAB the following provisions were eliminated from the Bill, either in the Senate, in the House or in the Conference: (a) reduction in the term of licenses from three years to one year; (b) the Wagner-Hatfield proposal to set aside 25 per cent of all facilities for religious, educational and similar organizations; (c) the suspension of licenses; (d) requiring stations to permit discussion of all sorts of public questions; (e) fixing the charge for political broadcasts; (f) directing the Commission to license stations on clear channels provided they are 2,200 miles removed; (g) revocation of license without certainty of hearing; (h) authorizing fines of $1,000 for violations of Commission regulations; (i) limiting the transfer of licenses only after public hearing; (j) regarding monopoly of broadcast facilities in any community; (k) permitting change in frequency, power or time without public hearing.

Senator Dill, chairman of the Senate Committee on Interstate Commerce, Chairman Rayburn of the House Committee on Interstate and Foreign Commerce, and Chairman Bland of the House Merchant Marine, Radio and Fisheries Committee, as well as the conferees from both the Senate and House exhibited a splendid understanding of the problems of radio.

Senator Dill led the fight against the Wagner-Hatfield amendment and succeeded in defeating it in the Senate. With Chairman Rayburn, he gave careful consideration to the objections of the NAB when the Bill was in conference.

MADRID TREATY EFFECTIVE

The International Telecommunication Convention of Madrid, 1932, and the General Radio Regulations annexed thereto, which were recently ratified by the United States, became effective June 12, 1934, superseding the International Radiotelegraph Convention and General Regulations of Washington, 1927.

Copies of the Convention and the Regulations may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D. C., at thirty cents per copy.

MAKING CONVENTION PLANS

Ed Spence, chairman of the NAB Convention Committee and Philip G. Loucks, Managing Director, spent Friday and Saturday in Cincinnati making preliminary plans for the NAB convention which will be held in that city on September 16, 17, 18, and 19.

NRA HEARING WEDNESDAY

The hearing on the question of wages, hours and working conditions of broadcast technicians, announced last week, will be held at the Raleigh Hotel, Washington, D. C., next Wednesday.

COMMERCIAL SECTION MEETS

Indications are that a large crowd will attend the third annual meeting of the NAB Commercial Section to be held at Hotel Pennsylvania, New York, Tuesday and Wednesday of next week. The meeting is being held in connection with the annual convention of the Advertising Federation of America. Arthur B. Church, chairman of the Commercial Committee, will preside.

SECURITIES ACT REGISTRATION

The following companies filed registration statements with the Federal Trade Commission under the Securities Act during the current week:

Protective Committee Stratford Arms Hotel, Buffalo, N. Y. 2-920, Form D-1).

Bondholders' Protective Committee of Albany Drainage District, Gentry County, Missouri, Kansas City, Mo. (2-921, Form D-1).

Corporate Equities, Inc., New York City (2-922, Form C-1).

American Insurance Union Building First Mortgage Bondholders' Committee, Chicago, Ill. (2-923, Form D-1).

Century Shares Trust, Boston, Mass. (2-924, Form A-1).

De Sales Chambers, Inc., Washington, D. C. (2-925, Form A-1).

Mutual Management Company, Jersey City and New York City (2-926, Form C-1).

Owings Mills Distillery, Inc., Baltimore County, Md. (2-927, Form A-1).

Committee for the Protection of Holders of First Mortgage Bonds Sold Through Leight & Co., Chicago, Ill. (2-928, Form D-1).

Morada Mining Company, Spokane, Wash. (2-932, Form A-1).

California Standard Gold Mines Corporation, Chicago, Ill. (2-933, Form A-1).

Automatic Signal Acceptance Corporation, Dover, Del. (2-934, Form A-1).

Strong Leasing & Mining Company, Denver, Colo. (2-935, Form A-1).

Bender's Department Store, Inc., Baltimore, Md. (2-936, Form A-1).

Donlevy Distilling Corporation, San Diego, Calif. (2-937, Form A-1).

Anchor Mountain Mining Company, Deadwood, S. D. (2-938, Form A-1).

New England Grain Products Company, Portland, Me. (2-939, Form A-1).

NOTICE

Stations desiring information about Rockwell Carrier may communicate with Stanley F. Northcott, general manager, Station WBCM, Bay City, Mich.

COURT DISMISSES APPEALS

The Court of Appeals of the District of Columbia this week dismissed the appeal of Station KWG, Stockton, Calif., against a decision of the Radio Commission granting a station construction permit to Thomas R. McTammany and William H. Bates, Jr., at Modesto, Calif.

The court also dismissed the appeal of Station KGKM, Stockton, Calif., because of the same grant by the Commission.

RECOMMENDS NEW OKLAHOMA STATION

Rev. C. C. Morris filed an application with the Commission asking for a construction permit for a new station to be erected at Ada, Okla., to use 1,200 kilocycles, 100 watts power daytime only. George H. Gill(e) in Report No. 567 this week recommends that the application be granted.

The Examiner found that the applicant has ample financial backing for the station, that there is adequate local talent to serve the needs of the station and that the territory around Ada "is now inadequately served by existing radio broadcasting stations."

STAY ORDER DENIED

The Court of Appeals of the District of Columbia this week denied a stay order sought by Station KGDM, Stockton, Calif., against a decision of the Federal Radio Commission authorizing a construction permit for a new station at Modesto, Calif., issued to Thomas R. McTammany and William H. Bates, Jr.

SUGGESTS DENYING KGW APPLICATION

Broadcasting Station KGW, Portland, Ore., operating on a frequency of 620 kilocycles, with 1,000 watts power applied to the Commission for permission to install a new transmitter and to operate daytime with 2,500 watts power. Ralph K. Walker(e) in Report No. 566 this week recommends that the application be denied.

It was found by the Examiner that while the increased power would improve the reception of the station, he also states that both the Fifth Zone and the State of Oregon are substantially over quota and therefore he recommends that the application be denied.

RECOMMENDS DENIAL AS IN DEFAULT

D. J. Burton and L. C. Davis filed an application with the Radio Commission asking for a construction permit for the erection of a new broadcasting station at Temple, Texas, to use 990 kilocycles, 250 watts power daytime only. Ralph L. Walker(e) in Report No. 568 this week recommended that the application be denied "as in cases of default." When the case came on for hearing no one appeared on behalf of the applicants.

FEDERAL RADIO COMMISSION ACTION

HEARING CALENDAR

Monday, June 18, 1934

WLBF—WLBF Broadcasting Co., Kansas City, Kansas—Modification of license; **1310 kc.**, 100 watts, unlimited time. Present assignment: **1420 kc.**, 100 watts, unlimited time.

Tuesday, June 19, 1934

WAAT—Bremer Broadcasting Corp., Jersey City, N. J.—Renewal of license; **940 kc.**, 500 watts, daytime. Also license to cover construction permit.

Wednesday, June 20, 1934

WMBD—Peoria Broadcasting Co., Peoria, Ill.—Modification of license; **1440 kc.**, 500 watts, unlimited time (fac WMBD). Present assignment: **1440 kc.**, 500 watts, 1 KW LS, shares WTAD.

WTAD—Illinois Broadcasting Corp., Quincy, Ill.—Renewal of license; **1440 kc.**, 500 watts, shares WMBD.

Thursday, June 21, 1934

NEW—Abraham Shapiro, Astoria, Oregon—C. P., **1370 kc.**, 100 watts, unlimited time.

Friday, June 22, 1934

WLEY—Albert S. Moffat, Lowell, Mass.—C. P., **1370 kc.**, 100 watts, 250 watts, L. S., specified hours. (Request authority to move station from Lexington to Lowell, Mass.)

APPLICATIONS GRANTED

First Zone

WHAZ—Rennsselaer Polytechnic Inst., Troy, N. Y.—Granted special temporary authority to remain silent from 6 p. m. to 1 a. m., EST, on nights of August 6, 13, 20, 27 and September 3, 1934.

WHDH—Matheson Radio Co., Inc.—Boston, Mass.—Granted authority to determine operating power by direct antenna measurement.

WINS—American Radio News Corp., New York—Granted modification of license to increase daytime power from 500 watts to 1 KW.

WOKO—WOKO, Inc., Albany, N. Y.—Granted modification of license to increase day power from 500 watts to 1 KW.

WOL—American Broadcasting Co., Washington, D. C.—Granted C. P. to increase daytime power from 100 watts to 250 watts and make changes in equipment.

Second Zone

WBEO—The Lake Superior Broadcasting Co., Marquette, Mich.—Granted special temporary authority to operate from 7 to 9:30 p. m., CDST, June 19.

WHBC—Edward P. Graham, Canton, Ohio—Granted special temporary authority to operate simultaneously from 3 to 6 p. m., and from 9 to 11 p. m., EST, June 16.

WGAL—WGAL, Inc., Lancaster, Pa.—Granted extension of special authority to operate station without approved frequency monitor, for period beginning June 8 and ending not later than June 20.

Third Zone

WJDX—Lamar Life Insurance Co., Jackson, Miss.—Granted license covering increase in power and change in equipment, **1270 kc.**, 1 KW night, 2½ KW day.

WDBJ—Times World Corp., Roanoke, Va.—Granted C. P. to increase daytime power from 500 watts to 1 KW, and install new equipment.

WNOX—WNOX, Inc., Knoxville, Tenn.—Granted modification of license to change frequency from **560** to **1010 kc.**

WIS—Station WIS, Inc., Columbia, S. C.—Granted C. P. to move transmitter to site to be determined; make changes in equipment, change frequency from **1010 kc.** to **560 kc.**, and increase power from 500 watts night, 1 KW-LS to 1 KW night, 2½ KW-LS.

KTRH—KTRH Broadcasting Co., Houston, Tex.—Granted C. P. to make changes in equipment and increase day power from 1 KW to 2½ KW.

KRGV—KRGV, Inc., Weslaco, Tex.—Granted license covering changes in equipment and move; **1260 kc.**, 500 watts, shares with KWWG.

WRGA—Rome Broadcasting Corp., Rome, Ga.—Granted license covering local move of transmitter, **1500 kc.**, 100 watts, specified hours.

WMBR—F. J. Reynolds, Inc., Jacksonville, Fla.—Granted consent to voluntary assignment of license to Florida Broadcasting Co.

Fourth Zone

WJDX—Lamar Life Insurance Co., Jackson, Miss.—Granted license covering increase in power and change in equipment, **1270 kc.**, 1 KW night, 2½ KW day.

WIBW—Topeka Broadcasting Association, Inc., Topeka, Kans.—Granted authority to install automatic frequency control equipment.

WEBQ—Harrisburg Broadcasting Co., Harrisburg, Ill.—Granted C. P. for increase in daytime power from 100 to 250 watts, and make changes in equipment.

KSD—The Pulitzer Publishing Co., St. Louis, Mo.—Granted modification of license to increase daytime power from 500 watts to 1 KW.

KMA—May Seed and Nursery Co., Shenandoah, Iowa—Granted modification of license to increase day power to 2½ KW-LS; application for increase in night power from 500 watts to 1 KW was designated for hearing.

WCBD—Wilbur Glenn Voliva, Zion, Ill.—Granted consent to voluntary assignment of license to WCBD, Inc.

KGGF—Powell & Platz, Coffeyville, Kans.—Granted modification of license to increase power from 500 watts night, 1 KW day, to 1 KW day and night.

WHA—University of Wisconsin, Madison, Wis.—Granted C. P. to make changes in equipment and increase power from 1 KW to 2½ KW day.

Fifth Zone

KECA—Earl C. Anthony, Inc., Los Angeles, Calif.—Granted authority to increase day power to 2½ KW and use old equipment of KFI.

KXL—KXL Broadcasters, Portland, Ore.—Granted C. P. to make changes in equipment; increase daytime power from 100 watts to 250 watts.

KIDO—Boise Broadcast Station, Boise, Idaho—Granted C. P. to increase daytime power from 1 KW to 2½ KW; make changes in equipment.

KQW—Pacific Agricultural Foundation, Ltd., San Jose, Calif.—Granted C. P. to increase day power from 500 watts to 1 KW up to 7 p. m. (No change in power after 7 p. m. 500 watts.)

KMTR—KMTR Radio Corporation, Los Angeles, Calif.—Granted modification of license to increase power from 500 watts to 1 KW.

KVI—Puget Sound Broadcasting Company, Inc., Tacoma, Wash.—Granted modification of license to increase power from 500 watts to 1 KW day and night.

APPLICATIONS RECONSIDERED AND GRANTED

KHJ—Don Lee Broadcasting System, Los Angeles, Calif.—Granted C. P. to install new equipment; increase power from 1 KW to 1 KW night, 2½ KW to LS.

KFRC—Don Lee Broadcasting System, San Francisco, Calif.—Granted C. P. to install new equipment; increase power from 1 KW to 1 KW night, 2½ KW, LS.

KGB—Don Lee Broadcasting System, San Diego, Calif.—Granted C. P. to install new equipment; increase power from 1 KW to 1 KW night, 2½ KW, LS.

WNAC—Shepard Broadcasting Service, Inc., Boston, Mass.—Granted C. P. to increase daytime power from 1 KW to 2½ KW, and make changes in equipment.

WIND—Johnson-Kennedy Radio Corp., Gary, Ind.—Granted C. P. to increase daytime power from 1 KW to 2½ KW, and install new equipment.

KOL—Seattle Broadcasting Co., Seattle, Wash.—Granted C. P. to increase daytime power from 1 KW to 2½ KW, and make changes in equipment, also move transmitter locally.

WCNW—Arthur Faske, Brooklyn, N. Y.—Granted modification of C. P. to increase day power from 100 watts to 250 watts, and make changes in equipment.

WDAE—Tampa Times Company, Tampa, Fla.—Granted special experimental authority to increase daytime power from 1 KW to 2½ KW for period ending October 1, 1934, and make changes in equipment.

KGW—Oregonian Publishing Co., Portland, Ore.—Granted C. P. to move studio locally in Portland, install new equipment and increase daytime power from 1 KW to 2½ KW.

KQV—KQV Broadcasting Co., Pittsburgh, Pa.—Renewal of license application reconsidered and granted.

SPECIAL AUTHORIZATIONS

KBPS—Benson Polytechnic School, Portland, Ore.—Granted special authority to remain silent for period July 1 and ending September 17, 1934.

WRGA—Rome Broadcasting Corporation, Rome, Ga.—Granted special temporary authority to operate from 9 p. m. to 12 midnight, CST, June 26.

WNRA—Muscle Shoals Broadcasting Corp., Muscle Shoals City, Ala.—Granted special temporary authority to operate unlimited time for period July 1 and pending resumption of operation by station WAMC, but not later than January 1, 1935.

WSUI—State University of Iowa, Iowa City, Iowa—Granted special authority to operate from 10 p. m. to 12 midnight, CST, June 29.

WTRC—The Truth Publishing Co., Inc., Elkhart, Ind.—Special authorization which expires July 1, 1934, extended 30 days to allow completion of inquiry.

MISCELLANEOUS

KSO—Iowa Broadcasting Co., Des Moines, Ia.—Granted authority to operate on **1320 kc.**, with 250 watts from 12:01 to 6 a. m., daily, from now until date of hearing, June 25. Grant to use this frequency and power suspended because of protest of WADC.

WOR—Bamberger Broadcasting Service, Inc., Newark, N. J.—Granted petition to have Commission en banc hear application for experimental permit. Date to be decided later.

RATIFICATIONS

WAAF—Drovers Journal Publishing Co., Chicago, Ill.—Granted C. P. to rebuild station destroyed by fire.

SET FOR HEARING

WKBN—WKBN Broadcasting Corp., Youngstown, Ohio—C. P. to move transmitter to new location in Youngstown; make changes in equipment; change frequency from **570 to 610 kc.**; increase day power from 500 watts to 1 KW; increase hours of operation from specified to unlimited, with directional antenna after sunset Youngstown.

WAIU—Associated Radiocasting Corp., Columbus, Ohio—Modification to change frequency from **640 to 570 kc.**; increase power from 500 to 750 watts night, 1 KW day, and change hours of operation from limited to specified hours, now assigned WKBN.

WJAY—Cleveland Radio Broadcasting Corp., Cleveland, Ohio—Modification of license to change frequency from **610 kc.** to **640 kc.**; increase power from 500 watts to 1 KW, and increase hours of operation from daytime to specified.

WAAT—Bremer Broadcasting Corporation, Jersey City, N. J.—Hearing on application for renewal of license changed from June 19 to July 19, 1934.

WJAY—Cleveland Radio Broadcasting Corp., Cleveland, Ohio—Application for modification of license to change frequency from **610 to 640 kc.**, power from 500 watts daytime to 1 KW, S. H., to be heard before Commission en banc.

WAIU—Associated Radiocasting Corp., Columbus, Ohio—Application for modification of license to change frequency from **640 to 570 kc.**, and power from 500 watts to 750 watts, 1 KW-LS, and time from limited to S. H., now being used by WKBN, to be heard before Commission en banc.

WKBN—WKBN Broadcasting Corp., Youngstown, Ohio—Application for C. P. to change frequency from **570 to 610 kc.**; power of 500 watts to 500 watts night, 1 KW-LS, with directional antenna after sunset at Youngstown, and S. H. to unlimited time; make changes in equipment and move transmitter locally, to be heard before Commission en banc.

ACTION ON EXAMINER'S REPORTS

WJJD—Ex. Rep. No. 555: WJJD, Inc., Chicago, Ill.—Granted modification of license to move studio from Mooseheart to Chicago, Ill., sustaining Examiner Geo. H. Hill.

KVI—Ex. Rep. No. 565: Puget Sound Broadcasting Co., Inc., Tacoma, Wash.—Granted modification of license to increase power from 500 watts to 1 KW day and night, reversing Examiner R. L. Walker. (Same grant listed on page 1.)

KGW—Ex. Rep. No. 566: Oregonian Publishing Co., Portland, Ore.—Granted C. P. to change maximum rated carrier output power, increase power from 1 KW to 1 KW night, 2½ KW day, and make changes in equipment; also change studio location. Examiner R. L. Walker reversed. (Same grant listed above under heading "Appeals reconsidered and granted.")

APPLICATIONS RECEIVED

First Zone

WINS—American Radio News Corporation, New York, N. Y.—Modification of license to increase power from 500 watts to 500 watts night, 1 KW day.

WCAX—Burlington Daily News, Inc., Burlington, Vt.—Modification of license to make changes in specified hours of operation.

WOL—American Broadcasting Co., Washington, D. C.—Construction permit to make changes in equipment and increase power from 100 watts to 100 watts night, 250 watts daytime.

WNAC—Shepard Broadcasting Service, Inc., Boston, Mass.—Modification of license to change frequency from **1230 kc.** to **830 kc.** (Facilities WHDH).

WNBX—WNBX Broadcasting Corporation, Springfield, Vt.—License to cover construction permit authorizing changes in equipment and increase in power from 250 watts to 500 watts daytime.

WGLC—Adirondack Broadcasting Co., Inc., Hudson Falls, N. Y.—Construction permit to move station from Hudson Falls, N. Y., to Albany, N. Y.

NEW—Harold E. Smith, Rensselaer, N. Y.—Construction permit to erect a new station to be operated on **1370 kc.**, 100 watts, unlimited time. Facilities of WGLC.

WHDL—Tupper Lake Broadcasting Co., Inc., Tupper Lake, N. Y.—License to cover construction permit granted November 21, 1933, to move station locally.

Second Zone

NEW—A. R. Montgomery, 2700 N. Main St., Findlay, Ohio—C. P. for new Exper. Broadcast station; **1530 kc.**, 1000 watts.

NEW—F. L. Whitesell, Forty Fort, Penna.—Construction permit to erect a new station to be operated on **930 kc.**, 1 kw, daytime, amended re transmitter site.

WSAI—Crosley Radio Corporation, Cincinnati, Ohio—Modification of license to operate with power of 1 KW night, 2½ KW daytime using directional antenna as authorized by special experimental authorization.

WJIM—Harold F. Gross, M. B. Keeler, and L. A. Versluis d/b as Capital City Broadcasting Co., Lansing, Mich.—Modification of construction permit (authorizing erection of new station) to change transmitter site locally and install new equipment and extend date of required commencement.

NEW—Kunsky-Trendle Broadcasting Corp., Detroit, Mich.—Construction permit to erect a new station to be operated on **640 kc.**, 10 kilowatts, unlimited time. Facilities of KYW.

WDAS—WDAS Broadcasting Station, Inc., Philadelphia, Pa.—Construction permit to move transmitter and studio locally and install new equipment.

WKRC—WKRC, Inc., Cincinnati, Ohio—Extension of special experimental authorization to operate with power of 1 KW, for the period beginning September 1, 1934.

Third Zone

NEW—Guilford Broadcasting Co., Abilene, Texas—Construction permit to erect a new station to be operated on **1420 kc.**, 100 watts, unlimited time.

WSFA—Montgomery Broadcasting Co., Inc., Montgomery, Ala.—License to cover construction permit authorizing changes in equipment and removal of transmitter.

KLUF—Geo. Roy Clough, Galveston, Texas—Special experimental authorization to increase daytime power from 100 watts to 250 watts. (Supersedes application for C. P. 3-P-B-3248.)

WNOX—WNOX, Inc., Knoxville, Tenn.—Modification of license to change frequency from **560 kc.** to **1010 kc.** (Frequency assigned WIS).

KTSA—Southwest Broadcasting Co., San Antonio, Texas—Special experimental authorization to change frequency from **1290 kc.** to **550 kc.**, and increase power from 1 kilowatt to 1 kilowatt night, 2½ kilowatts daytime.

WIS—Station WIS, Inc., Columbia, S. Car.—Construction permit to install new equipment, move transmitter to site to be determined, change frequency from **1010 kc.** to **560 kc.** (Frequency of WNOX), and increase power from 500 watts night, 1 kilowatt daytime to 1 kilowatt night, 2½ kilowatt daytime using directional antenna.

Fourth Zone

WISN—American Radio News Corp., Milwaukee, Wis.—Modification of license to increase power from 250 watts night, 500 watts daytime to 250 watts night, 1 KW daytime.

WLBF—The WLBF Broadcasting Co., Kansas City, Kans.—License to cover construction permit granted May 11, 1934, to install new equipment.

NEW—L. M. Kennett, Indianapolis, Ind.—Construction permit to erect a new station to be operated on **600 kc.**, 1 kilowatt, daytime.

WEBQ—Harrisburg Broadcasting Co., Harrisburg, Ill.—Construction permit to make changes in equipment and increase power from 100 watts to 100 watts night, 250 watts daytime.

WDZ—James L. Bush, Tuscola, Ill.—Modification of license to change frequency from **1070 kc.** to **1020 kc.**, upon removal of KWY to Pennsylvania.

WCFL—Chicago Federation of Labor, Chicago, Ill.—Extension of special experimental authorization to operate unlimited time for the period August 1, 1934, to February 1, 1935.

KFKU—The University of Kansas, Lawrence, Kans.—Modification of license to increase power from 500 watts to 1 KW.

Fifth Zone

KOL—Seattle Broadcasting Co., Seattle, Wash.—Special experimental authorization to operate on **850 kc.** with power of 5 KW.

KVOA—Arizona Broadcasting Co., Inc., Tucson, Ariz.—Modification of license to make changes in specified hours of operation.

NEW—Utah Radio Educational Society, Walter P. Monson, Jr., Pres., Salt Lake, Utah—Construction permit to erect a new station to be operated on **1450 kc.**, 1 KW, unlimited time.

NEW—Metro Broadcasting Co., A. Tornek and R. Lillie, Los Angeles, Calif.—Construction permit to erect a new station to be operated on **820 kc.**, 250 watts, limited time amended to omit request for facilities of KGEF.

KGGC—The Golden Gate Broadcasting Co., San Francisco, Calif.—Modification of license to increase hours of operation to two additional night hours during week days. Consideration under Rule 6-g.

KSLM—Oregon Radio, Inc., Salem, Ore.—Modification of construction permit authorizing erection of new station for approval of transmitter site at ½ miles north of Salem, Ore.

KFJI—KFJI Broadcasters, Inc., Klamath Falls, Ore.—Construction permit to install new equipment.

NEW—W. L. Gleeson, Salinas, Calif.—Construction permit to erect a new station to be operated on **1210 kc.**, 100 watts, unlimited time.

APPLICATIONS RETURNED

WNAC—Shepard Broadcasting Service, Inc., Boston, Mass.—Modification of license to change frequency from **1230 kc.** to **830 kc.** (Wrong application form.) Has been resubmitted, see above.

WALR—WALR Broadcasting Corporation, Toledo, Ohio—Construction permit to move station from Zanesville, Ohio, to Toledo, Ohio. (Improperly signed.)

KXA—American Radio Telephone Co., Seattle, Wash.—Special experimental authorization to operate from local sunset to 10 p. m. PST, simultaneously with WJZ with 250 watts. (Not signed.)

NEW—F. N. Pierce of F. N. Pierce and Co., Taylor, Texas—Construction permit to erect a new station to be operated on **1340 kc.**, 250 watts, unlimited time. (Rule 6 unsatisfactory transmitter site.)

WSFA—Montgomery Broadcasting Co., Inc., Montgomery, Ala.—License to cover C. P. for move and equipment change. (Failure to conduct equipment tests.)

WDSU—Joseph H. Uhalt, New Orleans, La.—Consent to voluntary assignment of license from Joseph H. Uhalt to WDSU, Inc. (Failure to comply with rule 19 and corporation not formed.)

WNBX—WNBX Broadcasting Corporation, Springfield, Vt.—License to cover construction permit authorizing changes in equipment and increase in power. (Filed on wrong form.)

NEW—William George Darrall, Kensington, Penna.—Construction permit to erect a new station to be operated on **1420 kc.**, 50 watts, specified hours. (Rule 6, unsatisfactory transmitter site and equipment.)

WSGN—R. B. Broyles, tr. as R. B. Broyles Furniture Co., Birmingham, Ala.—Modification of construction permit to make changes in equipment, change frequency from **1310 kc.** to **590 kc.**, and increase power to 1 KW. (Failure to answer Commission letters, Rule 6, and questionable transmitter site.)

WAAB—Bay State Broadcasting Corp., Boston, Mass.—Construction permit to move the transmitter to Auburndale, Mass., frequency to **640 kc.**, power 5 KW. (Rule 6, questionable transmitter site and equipment, failure to answer commission letters.)

The National Association of Broadcasters

NATIONAL PRESS BUILDING ★ ★ ★ ★ ★ WASHINGTON, D. C.

PHILIP G. LOUCKS, Managing Director

NAB REPORTS

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LAST WEEK'S REPORT HELD UP

For the first time in many, many months members of the NAB did not receive a weekly report from NAB headquarters last week. The issue was held up from day to day in anticipation that President Roosevelt would appoint the members of the new Communications Commission which takes office Monday and that we would be among the first to inform our members of these appointments. We hope those who have missed last week's report, and have written us of the omission, were not inconvenienced in any way. We are proud to know that members still think enough of our reports to raise hell when they arrive late. Forgive us, please!

FEDERAL RADIO COMMISSION PASSES

The Federal Radio Commission, which was created seven years ago under the provisions of the Radio Act of 1927, will pass out of existence just as soon as President Roosevelt appoints a majority of the newly created Federal Communications Commission.

At his press conference Friday afternoon, the President announced that he will make public his appointments to the new Commission either Saturday or Sunday. The new act becomes effective July 1, 1934.

The President signed the communications commission bill last week and just as soon as public law prints are available copies will be sent to all NAB members appropriately punched to fit into the NAB HANDBOOK.

The Federal Radio Commission went into its final session on Friday and recessed over night to resume its consideration of applications on Saturday. Scores of pending applications were granted at the closing session in an effort to clear the commission records as far as possible before giving way to the new commission. Only applications which would create undue interference were not acted upon finally by the commission at its final session. Daytime power increases were granted in nearly every case and in many cases night time power increases also were awarded. Shifts in frequencies were also granted in a number of cases and many applications which in earlier weeks might have been subjected to hearings were granted entirely upon the recommendations of the commission's own divisions. In some cases applications acted upon were filed only a short time before the grants were made. All of the grants, however, are subject to protest within the 20-day period provided by the commission's regulations.

Under the new law all records of the radio commission and the personnel in the classified service are automatically transferred to the new commission.

Just as soon as the new commission is named and qualified it will give consideration to organizing its administrative machinery.

CONGRESS GOES HOME JUNE 18

The Seventy-third Congress adjourned on Monday, June 18. While the Congress considered many measures affecting radio broadcasting, the only measure which was finally passed was the Federal Communications Commission Act of 1934 which places the regulation of all forms of communication under a single commission of seven men. As pointed out in previous reports, the new law does not materially affect the operation of broadcasting stations and makes few changes from the old law relating to broadcast licensing.

With the expiration of the Congress, all bills failing of final action die. The Seventy-fourth Congress will convene on January 1, 1935.

Among the measures to die with the close of the session was the bill to amend the Copyright Act of 1909 to enable the United States to enter the International Copyright Union. Hearings were held on this measure during the last weeks of the session.

At a later date NAB REPORTS will carry a complete review of all legislation affecting radio considered by the last Congress.

CROSLEY HEADS CONVENTION COMMITTEE

Powel Crosley, Cincinnati, Ohio, pioneer in the broadcasting and set manufacturing businesses, has accepted the chairmanship of the committee on local arrangements for the NAB Convention to be held at the Netherland-Plaza Hotel, Cincinnati, Ohio, September 16, 17, 18 and 19.

Announcement of the appointment was made this week by Ed. Spence, Atlantic City, N. J., chairman of the General Convention Committee.

Mr. Crosley, who was one of the founders of the NAB, will form a committee of Cincinnati station executives to handle local entertainment arrangements. He has been active in broadcasting since its inception and has done much pioneering in the art. One of his stations, WLW, is the most powerful in the world and the plant is one of the most interesting in the United States. He also operates WSAI, a regional station in Cincinnati.

Arrangements for the Convention were discussed with local station and hotel officials in Cincinnati at conferences called by Chairman Spence and the Managing Director. Many preliminary details have been worked out and it is the intention of the Convention Committee to complete all arrangements at an early date.

Indications are that the 1934 convention will be the largest from the standpoint of attendance ever held. The NAB membership stands at 365, the highest in the history of the Association, and it is estimated that between 400 and 500 people will attend the Cincinnati meeting.

MANAGING DIRECTOR LOSES RACE

In a hot and hectic 1,000-mile dash to Washington last week, the Managing Director was defeated by the stork by a margin of more than 12 hours.

Make your plans now to attend the

TWELFTH ANNUAL NAB CONVENTION

NETHERLAND-PLAZA HOTEL . . . CINCINNATI, OHIO

SEPTEMBER 16, 17, 18 AND 19, 1934

The race was not entirely fair and the stork stands accused of double-crossing its vanquished opponent.

With Ed Spence, chairman of the NAB Convention Committee, the Managing Director was in Cincinnati, Ohio, hurrying through with preliminary arrangements for the September Convention when the surprise phone call from Washington announced that the stork race had started.

Well, the Managing Director arrived late, lost the race, and the Loucks household now consists of mother and Baby June (both doing splendidly), father, and a wire haired fox terrier puppy named Flash (the latter two being very unimportant these days).

LABOR DEMANDS 35-HOUR WEEK

A demand that the labor provisions of the Code of Fair Competition for the Radio Broadcasting Industry be revised to provide for a 35-hour work week with general increases in pay was contained in a written proposal laid before Deputy Administrator William P. Farnsworth by the NRA Labor Advisory Board during hearings held June 20 and 21 in Washington, D. C.

At the opening session of the hearings, James W. Baldwin, executive officer of the Code Authority, stated that his body had made a complete study of wages, hours and working conditions of broadcast technicians and it was the recommendation of the Code Authority that no change be made in the present labor provisions of the broadcasters' code. He supported his recommendations by showing that on December 16, 1933, employment of technicians had increased 11.9 per cent; that hours of labor had been reduced 9.8 per cent; and that weekly payrolls had increased 21.1 per cent, over July 1, 1933. He also pointed out that during that period the weekly wage rate of technicians had increased 8.26 per cent as compared with an average increase in the cost of living during a corresponding period of 5.2 per cent.

Philip G. Loucks, managing director of the NAB, appeared and supported the recommendations of the Code Authority on behalf of the broadcasting industry.

Both Baldwin and Loucks strenuously objected to the hearing being opened to any issue other than that relating to broadcast technicians. Their objection, however, was overruled with leave to file briefs.

By far a majority of the two days devoted to the hearings was taken up by labor representatives who urged drastic changes in the labor provisions of the code, the effect of which would be to reduce hours 25 per cent and increase wages 10 per cent and establish minimae for artists and performers ranging up to $60 for a single performance.

Appearing for Actors Equity Association were Miss Emily Holt, associate counsel of the Association; Paul N. Turner, counsel; Frank M. Gilmore, president; and ——— Harding, editor. Edward D. Bieretz, assistant to the president; Thomas R. McLean, representative radio division; Louis Jurgensen, New York local No. —; Daniel Moley, Cleveland local No. 38; J. V. Fitzhugh, San Antonio local No. 60; and Marian H. Hedges, research director of the International Brotherhood of Electrical Workers. Louis Krouse, assistant president, appeared for the International Alliance of Theatrical Stage Employees and Moving Picture Machine Operators. Hoyt S. Haddock, president, appeared for the American Radio Telegraphists Association.

The demands of these organizations were set forth in the proposal of the Labor Advisory Board read into the record of the hearing by C. A. Wood, NRA labor advisor. This proposal follows in full text:

ARTICLE III

Section 1

"(a) No employee shall be permitted to work in excess of 35 hours in any one week or 7 hours in any 24 hour period or 5 days in any one week, except as herein provided.

"(b) An employee may be permitted to work in excess of the daily and weekly maximum hours fixed in Section 1 (a) of this Article provided that he is paid at the rate of time and one-half his normal rate of pay for all hours worked in excess of said maximum and provided further than such overtime shall not exceed 5 hours in any one week except as provided in paragraph (c) of this section.

"(c) In case of an emergency involving breakdown or protection of life or property such employees as are necessary may be permitted to work unlimited overtime; provided, however, that each such employee shall be paid at the rate of time and one-half his normal rate of pay for all hours worked in excess of the daily and weekly maximum hours provided in Section 1 (a) of this Article.

"(d) The provisions of this Article shall not apply to outside salesmen and persons employed in a managerial or executive capacity who are regularly paid $35 per week or more; provided, however, that this exemption shall be strictly construed and shall in no case be so interpreted as to apply to skilled labor.

Section 2

"Time worked by each employee each day shall begin with the arrival of the employee on the employer's premises and shall be consecutive with the exception of not more than one hour for one meal period.

ARTICLE IV

Section 1

"(a) Broadcast technicians shall be paid not less than forty-four ($44) dollars per week when employed at clear channel stations or high power regional stations, not less than thirty-three ($33) dollars per week when employed at clear channel part time or low power regional stations, and not less than twenty-two ($22) dollars per week when employed at low power regional, local unlimited, or local part time stations.

"(b) Announcers and program production employees shall be paid not less than twenty-two ($22) dollars per week.

"(c) No other employee shall be paid less than $16 per week; provided, however, that beginners, learners and apprentices without previous experience in the industry may be paid for a period of 60 days a sub-minimum wage not less than 80 per cent of the applicable minima set out in sub-section (a) and sub-section (b) of this section.

"(d) No artist or performer shall be engaged or permitted to broadcast for less than the rates of pay and upon the conditions set forth in the following subdivisions:

"1. Class A programs on network or independent stations whose advertising rate card is $400 or more per hour

Minimum pay	Time	Hours	Rehearsals
$15	15 min.	bet. 6 a.m.—6 p.m.	Same day
25	30 "	"	"
30	45 "	"	"
40	60 "	"	2—2 days
35	15 "	after 6 p.m	1—same day
30	30 "	"	2—2 days
50	45 "	"	"
60	60 "	"	"

"Sustaining programs
"Minimum $12.50 morning and afternoon to 6 p.m.
"Minimum $35.00 after 6 p.m.

"2. Class B programs on network or independent stations whose advertising rate card is $280 to $400 per hour.

Minimum pay	Time	Hours	Rehearsals
$10	15 min.	bet. 6 a.m.—6 p.m.	1—Same day
15	30 "	"	"
20	45 "	"	"
28	60 "	"	2—2 days
25	15 "	after 6 p.m	1—same day
33	30 "	"	2—2 days
35	45 "	"	"
42	60 "	"	"

"Sustaining programs
"Minimum $12.50 morning and afternoon
"Minimum $25.00 after 6 p.m.

"3. Class C programs on network or independent stations whose advertising rate card is under $280 and over $100 per hour.
"Commercial hours
"Minimum $12.50 between 6 a.m.—6 p.m. 1 same day
15.00 after 6 p.m. "
"Sustaining hours
"Minimum $ 7.50 between 6 a.m.—6 p.m. same day
10.00 after 6 p.m. "

"4. Auditions
"One-half pay of highest classification of stations calculated to use the program, minimum of $15.00 per hour and guarantee of one full check if program is bought.

"5. Rebroadcast on same working day one-half check extra.
"Rebroadcast on another working day full check extra.
"Recorded broadcast one-half check extra.

"6. Rehearsals—1 on same working day not over 3 hours.
"For rehearsals without performance of sponsored programs.
"One-half check for 1 rehearsal 1 day
"Full check for 2 rehearsals 2 days.
"The call of the director estahlishes the hour at which rehearsals commence.
"Extra rehearsals on commercial and sustaining one-half pay for each 3 hours or fraction thereof."
"7. Recordings.
$15 minimum for 1 program (15 min.) no rehearsal except at studio
$50 minimum for ½ day no rehearsal except at studio
$75 minimum for 1 day no rehearsal except at studio
Maximum number of records for one day
5-15 minute programs
15 minimum for each 15 min. program over 5
Same prorata pay for retakes.
"No resale or hroadcast of any audition record;
"No use of broadcast record except hy station making same unless one-half pay is given artist for each performance by another station.
"8. Douhling
"One-half minimum additional for every part of 50 words or over doubled by an artist. No studio employee on Class A or Class B stations to play parts.
"Artists called to studio and reporting for broadcast or to dress rehearsal immediately preceding and ready for performance or rehearsal to be paid even if not permitted to broadcast.

SECTION 2

"Any employee other than an actor, singer, or instrumentalist, who works less than 75% of the basic weekly maximum numher of hours specified in Article III, Section 1, shall he deemed a part time employee and shall be compensated at the rate of time and one-half his normal rate of pay. All time worked hy any regular full time employee on Sundays and legal holidays shall be compensated at the rate of time and one-half his normal rate of pay.

SECTION 3

"This article establishes minima rates of compensation which shall apply irrespective or whether the employee is actually compensated on a time rate, piece rate, commission or other basis.

SECTION 4

"Female employees performing substantially the same work as male employees shall receive the same rate of pay as male employees. When they displace male employees they shall receive at least the same rate of pay as the male employees whom they displace.

SECTION 5

"No hourly, daily or full time weekly compensation for employees who are paid less than fifty ($50.00) dollars per week shall be less than such compensation existing as of June 16, 1931, and no employee shall he paid a wage rate which will yield a lower wage for the shorter full time week herein estahlished than he could have earned in the same class of work for the longer full time week existing as of June 16, 1931. Wages ahove the minimum shall he increased hy an equitahle adjustment of all pay schedules in order to maintain the differentials existing as of June 16, 1931; provided, further, that on or before Septemher 1, 1934, a report of all wage adjustments shall be made to the Administrator.

SECTION 6

"Wages shall be paid weekly or semi-monthly in lawful money or hy negotiable check payahle on demand. Wages shall he exempt from fines, charges, rehates, commissions, deductions, or any other form of withholding wages except for contrihutions voluntarily made hy the employee or required hy law for pensions, insurance, or benefit funds. No employer shall withhold wages except upon service of legal process or other paper legally requiring such withholding. No employer or his agent shall accept a rebate directly or indirectly on such wages nor give anything of value or extend favors to any person for the purpose of influencing rates of wages, hours, or the working conditions of his employees.
"No commission to be paid by artist to any subsidiary or affiliated artist or program bureau of any network or independent station or to any person, partnership or corporation unless they are in the sole husiness of representing artists and have no connection with any network, independent station, or advertising agency either direct or indirect; and in no event shall a commission be paid to any agent or representative who receives a lump sum for a program of artists employed or selected by said individual or agency.

SECTION 7

"Each employer shall hear the full cost of all transportation and traveling expenses of any regular employee while said employee is traveling in discharge of his duties; provided, further, that said full cost shall include the cost of operation of any vehicle owned and operated hy such employee in the discharge of his duties.

ARTICLE V

SECTION 1

Definition of Employee

"Employee, as used herein means any person engaged in the industry and employed hy a hroadcaster or network at a regular hourly, daily, weekly, or monthly salary or wage, or a professional person performing services in a broadcasting studio who is paid hy the job or performance, as distinguished from an independent contractor.

SECTION 2

"No employee under 16 years of age shall be employed in this industry. In any state an employer shall be deemed to have complied with this provision as to age if he shall have on file a certificate or permit duly issued by the authority in such state empowered to issue employment or age certificates, or permits, showing that the employee is of the required age. No person under 18 years of age shall be employed at operations or occupations hazardous by nature or dangerous to health; provided, further, that the Code Authority shall suhmit to the Administrator for approval on or before Septemher 1, 1934, a list of such operations and/or occupations.

SECTION 3

"(a) Employees shall have the right to organize and bargain collectively through representatives of their own choosing, and shall be free from the interference, restraint, or coercion of employers of lahor, or their agents, in the designation of such representatives or in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection.
"(h) No employee and no one seeking employment shall be required as a condition of employment to join any company union or to refrain from joining, organizing, or assisting a labor organization of his own choosing, and
"(c) Employers shall comply with the maximum hours of labor, minimum rates of pay, and other conditions of employment, approved or prescribed by the President.

SECTION 4

"No provision in this code shall supersede any State law which imposes on employers more stringent requirements than are imposed hy this code as to age of employee, wages, hours of work, or as to safety, health, sanitary, general working conditions, insurance or fire protection.

SECTION 5

"Where the rates of pay and maximum hours of lahor for any of the various classifications of workers in this industry are estahlished or regulated hy virtue of a contract entered into hy collective hargaining hetween employees and employers, or hy virtue of regional or area agreements or State codes, such minimum rates of pay and maximum hours of lahor shall be maintained; provided, however, that the minimum rates of pay in

such contracts, agreements or codes are not less than, nor the maximum hours more than, the minimum rates of pay and the maximum hours of labor, respectively, established in this code.

SECTION 6

"The Code Authority shall submit to the Administrator on or before September 1, 1934, standards for the safety and health of employees in this industry which standards if not disapproved by the Administrator within 30 days after submission to him shall forthwith become binding upon all members of the industry.

SECTION 7

"No employee shall be discharged without notice or the equivalent in pay; provided, further, that each employee must be given 1¼ days notice of discharge for each month of service.

SECTION 8

"Each employee shall be granted 1¼ days vacation with pay for each month of service; such vacation time may be accumulated by the employee and vacation taken at the mutual convenience of the employer and the employee at any time within the calendar year.

SECTION 9

"No employee shall be dismissed, demoted, or discriminated against for making a complaint or giving evidence with respect to an alleged violation of this code.

SECTION 10

"No employer shall avoid or evade the labor provisions of this code by contracting his work to any persons not subject to labor provisions and/or regulations, or subject to labor provisions and/or labor regulations less stringent than those prescribed in this code. No broadcaster shall contract with or broadcast for any sponsor or independent contractor not complying with the conditions of this code in so far as they affect the wages or working conditions of any persons employed in or about any broadcasting studio.

SECTION 11

"No employer shall, temporarily or otherwise, reclassify any part-time, full time or special program employee, nor the duties of occupations performed, nor engage in any other subterfuge so as to defeat the purpose of provisions of the Act or of this code.

SECTION 12

"All employers shall post complete copies of this code in conspicuous places accessible to all employees; provided further, that authorized changes in Articles III, IV and V shall be posted within ten days."

Philip I. Merryman, national vice president of the Association of Technical Employees of the National Broadcasting Company, Harry Spears, president of the Associated Columbia Broadcasting Technicians, appeared for their respective company labor organizations.

Developing the history of the formation of his organization, Merryman stoutly contended that "at the time they undertook the organization of their Association there was then in existence no other labor organization adequately qualified in their opinion either by experience, knowledge or previous example to intelligently represent the employees of the National Broadcasting Company before the executives of the National Broadcasting Company.

Harry Shaw of Waterloo, Iowa, government representative on the broadcasters' code, attended the hearings and noted the testimony given by all witnesses. He plans to make a report to the NRA on the basis of the testimony offered during the hearings.

Serving with Deputy Administrator Farnsworth were the following: Of the Industrial Advisory Board—W. L. Walker and F. M. Russell; of the Labor Advisory Board—C. A. Wood and E. M. Nockels; of the Consumers Advisory Board—Eugene Culver; of the Planning and Research Division—David M. Kendall; of the Legal Division—Tyree Dillard; and William S. Hennings, aide to the Deputy Administrator.

At the conclusion of the hearing, Deputy Administrator Farnsworth took the matters presented under advisement.

136 ATTEND NAB COMMERCIAL SESSION

One hundred and thirty-six broadcasters, advertising agency executives and advertisers attended the third annual meeting of the NAB Commercial Section held at Hotel Pennsylvania, New York, June 19 and 20. The meeting was presided over by Arthur B. Church, Kansas City, chairman of the NAB Commercial Committee.

Addresses covering nearly every important commercial problem were delivered during the two-day session. The proceedings will be published as a supplement of NAB REPORTS and summaries of the addresses therefore will not be printed here.

The Commercial Committee adopted a motion recommending that members of the NAB standardize units of sale as follows: one hour, one-half hour, quarter hour, five minutes, one-minute transcription, 100 words, half-minute transcription, 50 words or less.

It was expressed as the sense of the Commercial Committee that field strength measurements made by competent engineers form the basis for establishing station coverage. It is the definite recommendation of the committee that in view of the lack of any better standards the NAB approve the present Federal Radio Commission standards for primary and secondary coverage and it was recommended that the NAB proceed toward setting up some bureau to supervise and approve establishment of primary and secondary coverage areas on member stations based upon these standards.

The Commercial Section voted that copies of the report on station relations with networks be furnished to the national networks with a request that they take steps to harmonize network and affiliated station trade practices which are reported in this study and that the committee report at the Cincinnati convention on any new developments.

The Committee adopted a motion to the effect that all quantity discounts be given within a period of one year, with discounts retroactive to the first broadcast within that year and discounts shall apply within the same time classifications.

Operating companies or holding companies operating more than one subsidiary (such as General Motors) shall be permitted to buy under a group plan allowing discounts for each of the separate companies under a blanket order to apply even if more than one agency is involved in placing the time, was the text of another resolution.

The Committee recommended that all stations put on their rate cards, in addition to the regular standard units of time, under a separate heading called "special service features," such features as time signals, weather reports, sports events, participation programs and any other service features, with an adequate description of what the individual station allows.

The Commercial Committee held a joint meeting with the Radio Committee of the American Association of Advertising Agencies on Tuesday noon. Mutual problems were discussed but no definite action was taken. It was agreed that in the future these two committees should hold joint meetings with a view to solving problems common to the agencies and stations.

Among those who attended the meetings were the following:

Herb Hollister, WLBF, Kansas City, Kansas; E. C. Eibell, Beneficial Management Corp., New York, N. Y.; Mary J. Whelan, American Academy of Political & Social Science, Philadelphia; C. A. Kracht, WMCA, New York City; L. C. Grace, Grace & Holliday, Detroit, Michigan; M. A. Howlett, WHK, Cleveland—WAIU, Columbus; V. H. Pelz, Lord & Thomas, New York City; J. V. McConnell, NBC, New York; C. L. Egner, NBC, New York; Webster Smith, WTAM—NBC, Cleveland, Ohio; Roger W. Clipp, NBC, New York City; J. A. Holman, WBZ, Boston; Francis Conrad, KDKA, Pittsburgh; P. A. Winchell, NBC, New York City; J. J. Karol, CBS, New York City; H. S. Hettinger, University of Pennsylvania, Philadelphia; Irvin Gross, University of Pennsylvania, Philadelphia; G. A. Robertson, WLS, Chicago; William R. Cline, WLS, Chicago; John J. Oxley, Advertiser, Oakland, Calif.; Francis D. Bowman, Adv. Mgr., Carborundum Co., Niagara Falls, N. Y.; C. R. Tighe, Radio Art; G. W. Davis, ERPI, New York City; I. R. Lounsberry, Buffalo Broadcasting

Corp., Buffalo, N. Y.; Chas. F. Phillips, WFBL, Syracuse, N. Y.; Kolin Hager, WGY, Schenectady, N. Y.; Frank E. Chizzini, NBC, New York City; C. H. Youmans, G. Lynn Sumner Co., New York City; S. J. Gellard, WLTH, Brooklyn, N. Y.; E. P. H. James, NBC; L. J. Galbreath, Kenyon & Eckhardt, Inc.; Joseph Vessey, Kenyon & Eckhardt, Inc.; Fred Gamble, AAAA; Vincent F. Callahan, WRC—WMAL, Washington, D. C.; K. H. Berkeley, WRC—WMAL, Washington, D. C.; H. K. Carpenter, WPTF, Raleigh, N. C.; J. Leslie Fox, WMCA, New York; George E. Halley, KMBC, Kansas City, Mo.; Sol Taishoff, Broadcasting Magazine, Washington, D. C.; Martin Campbell, WFAA, Dallas, Texas; W. S. Hedges, WEAF; R. Harlow, Yankee Network, Boston, Mass.; Albert A. Cormier, WOR; Walter J. Neff, WOR; Wm. Rogow, WOR; F. C. Brokaw, Paul Raymer Co.; J. O. Maland, WOC—WHO, Des Moines, Iowa; John J. Gillin, Jr., WOW, Omaha, Nebraska; J. Thomas Lyons, WCAO, Baltimore, Md.; C. E. Midgley, Jr., BBD & O; F. C. Sowell, Jr., WLAC, Nashville, Tenn.; R. W. Sweet, WLAC, Nashville, Tenn.; Harry C. Wilder, WSYR, Syracuse, N. Y.; Clifford M. Chafey, WEEU, Reading, Pa.; W. A. Riple, WEEU, Reading, Pa.; Robert A. Street, WCAU, Philadelphia, Pa.; W. L. Hoppes—Electrical Research Products, Inc.; T. A. Smith, RCA Victor Co.; F. A. Arnold, Albert Frank-Guenther Law-Adv. Agcy.; A. P. Cox, Cox and Tanz, Radio Station Representatives, Drexel Bldg., Phila.; Eugene R. Tanz, Cox and Tanz, Radio Station Reps., Drexel Bldg., Philadelphia; Alfred Jordan, Philadelphia Chamber of Commerce, Philadelphia, Pa.; Hibbard Ayer, Radia Station Representative, 30 Rockefeller Plaza, New York.; Clair R. McCollough, Mason Dixon Group, Lancaster, Pa.; J. B. Bissell, Paris & Peart; A. B. Thomas, Centaur Company; A. W. Lehman, Association of National Advertisers; Al Rose, WOR; R. M. Hennick, Waterbury Republican-American; Paul Blakemore, Coolidge Advertising Co.; Geo. H. Field, Geo. H. Field Transcriptions, Inc.; G. Howell Mulford, McKittrick Co.; C. M. Jansky, Jr., Jansky & Bailey, Washington, D. C.; John V. L. Hogan, WZXR, New York; H. P. Peters, Chrysler Bldg., N. Y., Representative; C. Streibert, WOR, 1440 Broadway, New York City; Lewis Allen Weiss, WJR, Detroit; Ruth Y. Lichtenberg, Detroit News WWJ; L. N. Goldsmith, 95 Broad St., New York City, Commerce and Finance; Nate Lord, WAVE, Louisville, Ky.; Edgar Bell, WKY, Oklahoma City, Okla.; Fred Weber, American Broadcasting System, New York City; E. M. Meneongh, Advertising Agency, Des Moines, Iowa; Amy Blaisdell, Ogilvie Sisters, New York City; M. G. Ogilvie, Ogilvie Sisters, New York City; Raymond Davies, General Marketing Counselors, Inc., Roosevelt Hotel, New York City; L. W. C. Tuthill, Tuthill Adv. Agcy., 1133 Broadway, New York; Max E. Solomon, WFI, 801 Market St., Philadelphia, Pa.; Henriette K. Harrison, New York American Radio, New York; Edward Petry, New York City; Henry I. Christal, New York City; H. J. Greig, 342 Madison Ave., New York City, Greig, Blair & Spight, Inc.; H. J. Perry, J. V. L. Hogan, 41 Park Ave., New York City; Elizabeth MacShane, WOR, 304 E. 42nd St., New York City; M. M. Boyd, NBC, 30 Rockefeller Plaza, New York City; Jos. K. Mason, NBC, 30 Rockefeller Plaza, New York City; W. E. Harkness, 555 E. 27th St., Paterson, N. J.; P. L. Deutsch, World Broadcasting System, New York; Philip A. Fuss, WOR, New York City; O. R. Johnson, 285 Madison Ave., New York City; H. H. Pollack, 1457 Broadway, New York City; Harry W. Hoff, Jr., Radio Art, 501 Madison Ave., N. Y. C.; David D. Chrisman, WOR, 1440 Broadway, New York City; Arthur M. Wolkiser, 247 Park Avenue, New York City; Bertram J. Hauser, NBC, 30 Rockefeller Plaza, New York City; R. A. Davies, Jr., Group Broadcasters, Chrysler Bldg., N. Y.; Julian Street, Jr., NBC, New York; W. Wadsworth Wood, New York City; J. C. Ross, WWJ, Detroit, Michigan; L. D. Fernald, Earnshaw-Young, Inc., 220 E. 42nd St., New York City; Edward Carlin, 598 E. 3rd St., Brooklyn, N. Y., Consultant; Jack Drasner, 1397 Union St., Brooklyn, N. Y., Writer; M. A. Hollinshead, Campbell-Ewald Co., Detroit; Leo Fitzpatrick, WJR, Detroit, Michigan; S. R. Rintoul, World Broadcasting System, New York; Roger W. Clipp, NBC, New York City; John F. Patt, WGAR, Cleveland, Ohio; Scott Howe Bowen, Chrysler Bldg., New York City; Linus Travers, The Yankee Network, Boston; Arthur Church, KMBC, Kansas City, Mo., and Philip G. Loucks, Managing Director, National Association of Broadcasters.

TIME WIRE SERVICE HELD TAXABLE

The Bureau of Internal Revenue has ruled that payments made by broadcasting stations to telegraph and telephone companies for time wire services are taxable under Section 701 of the Revenue Act of 1932. The ruling of the Bureau is as follows:

"Section 701.—Telegraph, Telephone, Radio, and Cable Facilities.

"Regulations 42, Article 3: Basis and rate of tax. XIII-25-6861, S. T. 744.

"Taxability of payments by a radio broadcasting station for 'time wire service.'

"The question is presented whether payments made to a telegraph or telephone company by a radio broadcasting station for 'time wire service' are taxable under section 701 of the Revenue Act of 1932.

"The X Broadcasting Station receives news items daily over the facilities of the Y Telegraph Co. and the Z Telephone Co. The charges for each type of service are based upon the actual time the service is in use.

"Section 701 of the Revenue Act of 1932 imposes a tax upon payments for the transmission of telegraph, telephone, cable, or radio dispatches, messages, and conversations originating within the United States. The only exemption applicable to radio broadcasting stations or networks is that contained in section 701(a)2, which relates only to amounts paid for so much of a leased wire or talking circuit special service furnished to such stations or networks as is utilized in the conduct of their business as such.

"It is clear that neither the service furnished by the Y Telegraph Co. nor the Z Telephone Co. is a leased wire or talking circuit special service. Consequently, the exemption provided by section 701(a)2 does not apply.

"The exemption provided in section 701(b) with respect to payments for services or facilities utilized in the collection of news for, or in the dissemination of news through, the public press is applicable only to payments made by newspapers or press associations for messages from one newspaper or press association to another newspaper or press association, or to or from their bona fide correspondents which deal exclusively with the collection of news for the public press, or with the dissemination of news through the public press. (Article 20 of Regulations 42; S. T. 646, C. B. XII-1, 422.) The payments in question are not made for services or facilities utilized for any of the purposes specified in section 701(b). Accordingly, the exemption therein provided is not applicable.

"In view of the foregoingg, it is held that the payments made by the X Broadcasting Station to the Y Telegraph Co. and the Z Telephone Co. for the facilities referred to are taxable under section 701 of the Revenue Act of 1932."

ROOSEVELT FAVORS RADIO FREEDOM

President Roosevelt, in a special message sent to the Radio Manufacturers Association on June 13, declared emphatically for maintenance of radio on an equality with the traditional "freedom of the press". The text of the President's letter follows:

"I take pleasure in extending greetings and best wishes to the radio industry as represented at your banquet given in celebration of the tenth anniversary of the founding of the Radio Manufacturers Association.

"Your manufacturing ingenuity and your agencies of distribution have been so exercised that, I am glad to say, radio today is enjoyed in the humble as well as the palatial home and contributes greatly to the enrichment of life.

"Radio is a new and potent American industry. Reports of the United States Department of Labor show that employment in your factories has doubled since April, 1933. Unemployed have found work in your factories and I am advised that as business has improved within your industry your workers have received increased wage rates.

"You have had many evidences of my interest in radio. In cooperation with the Government, radio has been conducted as a public agency. It has met the requirements of the letter and spirit of the law that it function for 'public convenience and necessity.'

"To permit radio to become a medium for selfish propaganda of any character would be to shamefully and wrongfully abuse a great agent of public service. Radio broadcasting should be maintained on an equality of freedom similar to that freedom which has been and is the keystone of the American press."

COURT BANS SPEECH CENSORING

Federal Judge Akerman granted an injunction ordering Station WFLA, Clearwater, Fla., to allow Morris Givens, candidate for state attorney, or someone designated by him, to speak over the

station four nights previous to the primary election of June 26 without censoring the speeches. The court order reads, in part:

"This cause coming on to be heard on this day upon the sworn bill of complaint berein, and the court being advised in the premises and finding that the injury to restrain which his order is prayed is irreparable damage to the plaintiff's political campaign and the right of uncensored use of defendant's broadcasting station and probably loss of political office; that the loss of elective or appointive office cannot be compensated for and is irreparable. 'It is ordered, adjudged and decreed that the defendant hereto, Florida West Coast Broadcasting Company, Inc., a corporation, its agents, officers and employees, be, and they are hereby jointly and severally ordered, directed and commanded to allow the plaintiff, or someone designated by the plaintiff, to use the broadcasting radio station or studio operated by said corporation in Tampa, Fla., with said broadcasting station or studio duly operating as a radio broadcasting station or studio for broadcasting political addresses thereover, on Monday, June 11, 1934, from 7:35 to 7:45 p. m.; on Monday, June 18, from 7:30 to 7:45 p. m.; on Friday, June 22, from 7:30 to 7:45 p. m., and on Monday, June 25, from 7:30 to 7:45 p. m., without requiring plaintiff to submit any address to be made by him or someone designated by him to defendant or to anyone else for censoring.'"

STATIONS SEND IN ANNOUNCEMENTS

The Federal Trade Commission is expecting all radio stations to begin witb the first week of July to send in copies of commercial announcements. The response to the Commission's letter has been highly satisfactory and the Commission is pleased with the promised ccooperation of broadcasting stations. In several instances stations have promised to send in all commercial announcements with the understanding that about August 1 a new system less burdensome to both the Commission and the stations will be worked out.

URGE PRESS DISPATCH SECRECY

The State Department has received the following free translation of the text of a resolution adopted at the recent International Conference on Industrial Property Rights held at London:

"The conference expresses the desire that countries of the Union should study the question of the introduction into their respective legislatures of measures for effective protection against the unauthorized divulging of press information during the period of its commercial value and against such divulging without an indication of its source."

MUTER NEW RMA PRESIDENT

The new president of the Radio Manufacturers Association for the ensuing year is Mr. Leslie F. Muter of Chicago, president of The Muter Company, 1255 South Michigan Avenue, and for many years an officer and director of the Association. He has served two years as chairman of the RMA Parts, Cabinet and Accessory Division, also as vice president and treasurer, and is now the NRA Code Supervisory Agency for radio parts and accessories.

Mr. Muter succeeds Fred D. Williams of Indianapolis as president of the RMA following his election on June 13 by the Board of Directors. Mr. Williams, however, remains in the RMA organization having been elected treasurer following two years of service at the head of the Association.

The vice presidents of the RMA are Arthur T. Murray of Springfield, Mass., now NRA Code Supervisory Agency for receiving sets; S. W. Muldowny of New York, NRA Code Supervisory Agency for tubes; Arthur Moss of New York and Richard A. O'Connor of Fort Wayne, Indiana. They also are respectively the chairmen of the RMA Set; Tube; Parts, Cabinet and Accessory, and Amplifier and Sound Equipment Divisions.

New members elected to the RMA Board of Directors are Benjamin Abrams of New York; Dr. W. R. G. Baker of Camden, N. J., and Paul V. Galvin of Chicago, newly elected by the RMA Set Division; Ben G. Erskine of New York and J. C. Warner of Harrison, N. J., newly elected from the RMA Tube Division, and N. P. Bloom of Louisville, Ky., newly elected from the RMA Parts, Cabinet and Accessory Division.

Directors Arthur Moss, Arthur T. Murray, Richard A. O'Connor, James M. Skinner and Captain William Sparks were reelected. Retiring directors include E. T. Cunningham, LeRoi J. Williams, J. Clarke Coit, George Lewis and G. K. Tbrockmorton.

Bond Geddes was reelected executive vice president and general manager and also secretary of the Association, and Jobn W. Van Allen of Buffalo, New York, general counsel.

TRADE ASSOCIATION AND CODE AUTHORITY

The NRA has just announced the following for the purpose of defining the distinction between a trade association, such as the NAB, and a code autbority, such as the Code Autbority for the Radio Broadcasting Industry:

"A Trade Association is a voluntary organization of business men joined together for the development of their particular industry. Membership in a Trade Association, and financial contributions to its activities are voluntary. Trade Associations existed before the NRA and bave made a large contribution to self-government in industry.

"A Code Authority is an agency of limited powers and functions established under the NIRA and by the code whicb it administers. Membership thereon is a public trust. Its chief function is to plan for the industry and insure equitable administration of and compliance with the Code of Fair Competition. The functions of a Code Authority as such do not extend beyond the scope of the Code. The Code Autbority is an entity, separate and distinct from a Trade Association and its governing body.

"Code Authorities may not use funds collected from members of the industry for the promotion of the industry. Such monies raised as contribution to the Code Autborities are to be expended solely in the administering of the Code."

MAY STATION MEASUREMENTS

The Division of Field Operations of the Radio Commission reports that in May 548 station broadcasting measurements were made, with no measurements made for 35 stations.

Of this number 344 showed a maximum deviation within 0-10 cycles; 146, within 11-25 cycles; 51 within 26-50 cycles and 7 over 50 cycles.

SECURITIES ACT REGISTRATION

The following companies filed registration statements with the Federal Trade Commission under the Securities Act during the current week:

Union Gold Mines Company, Wilmington, Del. (2-940, Form A-1).

Fada Radio and Electric Corporation, Long Island City, N. Y. (2-941, Form A-1).

Christian A. Golee and Others, Evanston, Ill. (2-942, Form D-1).

John T. Wheeler and Others, Chicago, Ill. (2-943, Form D-1).

Elm Street Trust, Chicago, Ill. (2-944, Form D-2).

Citrus Soap Company, San Diego, Calif. (2-945, Form D-2).

W. C. Collins and Others, St. Louis, Mo. (2-946, Form D-1).

National Union Mortgage Corporation, Washington, D. C. (2-947, Form D-2).

Pacific Southern Investors, Inc., Los Angeles, Calif. (2-948, Form A-1).

Cariboo King Gold, Inc., Seattle, Wash. (2-949, Form A-1).

Monte Cristo Bridge River Gold Syndicate, Vancouver, B. C. (2-960, Form A-1).

The Dalles Bridge Company, Olympia, Wash. (2-961, Form A-1).

Mutual Oil Royalty Company, Inc., New York City (2-962, Form A-1).

Bondholders' Protective Committee for Bondholders of the R. M. Hollingshead Company, Philadelphia, Pa. (2-963, Form D-1).

Chicago King Mining Company, Takoma, Wash. (2-964, Form A-1).

Major Film Productions, Inc., Los Angeles, Cal. (2-965, Form A-1).

Protective Committee for the Holders of Bonds of Glen-Gery Shale Brick Company, New York City (2-966, Form D-1).

Consolidated Trust Shares, Boston, Mass. (2-967, Form A-1).

J. E. Hamilton & Others, Pasadena, Cal. (2-968, Form D-1).

Kentucky Rock Asphalt Company, Louisville, Ky. (2-969, Form D-1).

FEDERAL RADIO COMMISSION ACTION

APPLICATIONS GRANTED

First Zone

WINS—American Radio News Corp., New York—Granted modification of license to increase power from 500 watts night, 1 KW day, to 1 KW day and night. (No change in hours of operation.)

WHEC—WHEC, Inc., Rochester, N. Y.—Granted modification of license to increase day power from 500 watts to 1 KW.

WABI—First Universalist Society of Bangor, Maine—Granted special temporary authority to operate from 2 to 6 p. m., EDST, July 16.

WHDL—Tupper Lake Broadcasting Co., Inc., Tupper Lake, N. Y.—Granted license covering local move of transmitter and studio; **1420 kc.**, 100 watts, daytime.

WAAB—Bay State Broadcasting Corp., Boston, Mass.—Granted modification of license to use the transmitter of Station WNAC.

WOR—Bamberger Broadcasting Service, Inc., Newark, N. J.—Granted modification of C. P. to extend commencement date to August 16, 1934, and completion date to December 16, 1934.

WOR—Bamberger Broadcasting Service, Inc., Newark, N. J.—Granted modification of C. P. to make changes in antenna system; also to change street number of studio; extend commencement date to August 16, 1934, and completion date to December 16, 1934.

WWRL—Long Island Broadcasting Corp., Woodside, Long Island—Granted C. P. to make changes in equipment and increase daytime power from 100 watts to 250 watts.

WICC—Southern Connecticut Broadcasting Corp., Bridgeport, Conn.—Granted C. P. to install new equipment and increase daytime power from 500 watts to 1 KW.

WRC—National Broadcasting Co., Inc., Washington, D.C.—Granted modification of license to increase day power from 500 watts to 1 KW.

WMEX—The Northern Corp., Chelsea, Mass.—Granted modification of C. P. to make changes in equipment and extend commencement date to August 1 and completion date to August 20, 1934.

WCAX—Burlington Daily News, Inc., Burlington, Vt.—Granted modification of license to change specified hours from: daily, except Sunday, 12 noon to 1:30 p. m.; Monday, Wednesday, and Friday, 6 to 9 p. m.; to: daily, except Sunday, 12 noon to 1:30 p. m.; Monday, Wednesday, 5 to 7 p. m.; Friday, 5 to 10 p. m.

WTBO—Associated Broadcasting Corp., Cumberland, Md.—Granted modification of license to change frequency from **1420 kc.** to **800 kc.**, and hours from unlimited to daytime.

WFEA—New Hampshire Broadcasting Co., Manchester, N. H.—Granted extension of special experimental authority to operate on **1430 kc.**, 500 watts, unlimited time, and simultaneous with WOKO, WHP, WBNS, and WHEC until commencement of program tests on **1340 kc.**, but not later than November 1, 1934.

WNBX—WNBX Broadcasting Corp., Springfield, Vt.—Granted license covering changes in equipment and increase in power from 250 to 500 watts; **1260 kc.**, daytime hours.

WATR—Harold Thomas, Waterbury, Conn.—Granted license covering new station; **1190 kc.**, 100 watts, daytime.

Second Zone

WHAT—Independence Broadcasting Co., Inc., Philadelphia, Pa.—Granted special temporary authority to remain silent from 5 p. m. to 12 midnight, EST, July 4.

WRAX—WRAX Broadcasting Co., Philadelphia, Pa.—Granted special temporary authority to operate station without approved frequency monitor for period July 2 to August 1, 1934.

WRAK—WRAK, Inc., Williamsport, Pa.—Granted C. P. to move transmitter locally in Williamsport.

WORK—York Broadcasting Co., York, Pa.—Granted special experimental authority to make changes in equipment, using directional antenna; change frequency to **1320 kc.**; increase power to 1 KW; and operate unlimited time experimentally.

WJIM—Capital City Broadcasting Co., Lansing, Mich.—Granted modification of C. P. to make changes in equipment and correct transmitter location from Capitol Bank Tower, S. Washington Ave., to City National Bank Bldg., S. Washington Ave.

WDAS—WDAS Broadcasting Station, Inc., Philadelphia, Pa.—Granted C. P. to move transmitter and studio locally and make changes in equipment.

WDBJ—Times World Corp., Roanoke, Va.—Granted modification of C. P. to increase night power from 500 watts to 1 KW.

WSAI—Crosley Radio Corp., Cincinnati, Ohio—Granted modification of license to increase power from 500 watts night, 1 KW LS, to 1 KW night, 2½ KW LS, using directional antenna.

WRBX—Richmond Development Corp., Roanoke, Va.—Granted modification of license to increase daytime power from 250 to 500 watts.

WSPD—Toledo Broadcasting Co., Toledo, Ohio—Granted C. P. to install new equipment and increase daytime power from 1 KW to 2½ KW.

NEW—Marion K. Gilliam, Staunton, Va.—Granted C. P. for new station to be located between Staunton and Harrisonburg, Va.; **550 kc.**, 500 watts, daytime.

WGAL—WGAL, Inc., Lancaster, Pa.—Granted C. P. to make changes in equipment and increase day power from 100 watts to 250 watts.

WLVA—Lynchburg Broadcasting Corp., Lynchburg, Va.—Granted modification of license to change frequency and hours of operation from **1370 kc.** to **1200 kc.**, S-WBTM, to unlimited.

WBTM—Piedmont Broadcasting Corp., Danville, Va.—Granted modification of license to change hours of operation from sharing with WLVA to unlimited.

WADC—Allen T. Simmons, Tallmadge, Ohio—Granted C. P. to install new equipment and increase daytime power from 1 KW to 2½ KW.

WKJC—Lancaster Broadcasting Service, Inc., Lancaster, Pa.—Granted C. P. to install new equipment and increase day power from 100 watts to 250 watts.

WKRC—WKRC, Inc., Cincinnati, Ohio—Granted C. P. to install new equipment; increase day power to 2½ KW LS (Application to increase night power from 500 watts to 1 KW night set for hearing.) Special experimental authority to use 1 KW continued.

WPHR—WLBG, Inc., Petersburg, Va.—Granted C. P. to move transmitter to near Petersburg; install new equipment; change frequency from **1200 kc.** to **880 kc.**; increase power from 100 watts night, 250 watts LS, to 500 watts, and hours from unlimited to daytime.

Third Zone

KTSA—Southwest Broadcasting Co., San Antonio, Tex.—Granted special experimental authority to change frequency from **1290 kc.** to **550 kc.**, and increase day power from 1 KW to 2½ KW, for period ending October 1, 1934.

WGST—Georgia School of Technology, Atlanta, Ga.—Granted modification of license to increase power from 250 watts night, 1 KW day, to 500 watts night, 1 KW day.

KGER—Consolidated Broadcasting Corp., Ltd., Long Beach, Calif.—Granted C. P. to move transmitter locally and make changes in equipment.

KLUF—Geo. Roy Clough, Galveston, Tex.—Granted special experimental authority to increase daytime power from 100 to 250 watts, for period of 6 months.

WSMB—WSMB, Inc., New Orleans, La.—Granted modification of license to increase power from 500 watts to 1 KW.

KRMD—Radio Station KRMD, Inc., Shreveport, La.—Granted special temporary authority to operate from 7:30 to 9 p. m., CST, July 1, 8, 15, 22 and 29.

WHEF—Attala Broadcasting Corp., Kosciusko, Miss.—Granted modification of C. P. to make changes in equipment and extend commencement date to within 10 days of grant of this and completion date to 60 days from date.

WTOC—Savannah Broadcasting Co., Inc., Savannah, Ga.—Granted C. P. to install temporary Composite DCC-Max. 100-watt transmitter for period of 30 days pending completion of new permanent transmitter.

KGKL—KGKL, Inc., San Angelo, Tex.—Granted C. P. to install new equipment and increase day power from 100 watts to 250 watts.

WREC—WREC, Inc., Memphis, Tenn.—Granted special experimental authority to increase power from 500 watts night, 1 KW LS, to 1 KW night, 2½ KW LS.

WBRC—Birmingham Broadcasting Co., Inc., Birmingham, Ala.—Granted modification of license to increase night power from 500 watts to 1 KW.

WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—Granted C. P. to move transmitter locally; install new equipment; increase power from 500 watts to 1 KW.

WDAG—National Radio & Broadcasting Corp., Amarillo, Tex.—Granted C. P. to make changes in equipment; increase day power from 1 KW to 2½ KW.

WQBC—Delta Broadcasting Co., Inc., Vicksburg, Miss.—Granted modification of license to increase power to 500 watts night, 1 KW day; change hours of operation from daytime only to specified as follows: 8 to 10 a. m., 12 noon to 3 p. m., and 5 to 7 p. m., CST; **1360 kc.**

WSFA—Montgomery Broadcasting Co., Inc., Montgomery, Ala.—Granted license covering local move of transmitter and installation of new equipment; **1410 kc.,** 500 watts, simultaneous day, share night with WALA.

WEED—Wm. Avera Wynne, Rocky Mount, N. C.—Granted license covering move of transmitter from Greenville to Rocky Mount, N. C.; **1420 kc.,** 100 watts, daytime.

KGKO—Wichita Falls Broadcasting Co., Wichita Falls, Tex.—Granted special experimental authority to September 1, 1934, to increase night power from 250 watts to 500 watts.

WMC—WMC, Inc., Memphis, Tenn.—Granted special experimental authority to make changes in equipment and increase power from 500 watts, 1 KW LS, to 1 KW and 2½ KW LS.

KGKO—Wichita Falls Broadcasting Co., Wichita Falls, Tex.—Granted modification of license to increase day power from 500 watts to 1 KW.

KRMD—KRMD, Inc., Shreveport, La.—Granted modification of license to increase hours of operation from specified to unlimited.

Fourth Zone

KFJB—Marshall Electric Co., Inc., Marshalltown, Iowa—Granted special temporary authority to operate from 9 a. m. to 12 noon, 3 to 6 p. m., and 9 p. m. to 12 midnight, CST, June 26 and 27.

WCBD—Wilbur Glenn Voliva, Waukegan, Ill.—Granted authority to use transmitter of WMBI at Addison, Ill., for period not exceeding 90 days, while repairing own transmitter.

KGGF—Powell & Platz, Coffeyville, Kans.—Granted special temporary authority to operate Tuesdays and Thursdays from 7:15 to 9:15 p. m.; Wednesdays from 8:15 to 9:15 p. m., CST, for period July 8 to August 7, 1934, provided WNAD remains silent.

WMBH—Joplin Broadcasting Co., Joplin, Mo.—Granted special temporary authority to operate from 2 to 7:30 p. m., CST, July 1 and 22, and from 2 to 6 p. m., CST, July 2, 3, 4, 10, 11, 12, 19, 20, 21, 23, 24, 25, 26 and 27. Also granted special temporary authority to operate from 2:30 to 3:30 p. m., CST, July 8, 15 and 29.

WJJD—WJJD, Inc., Mooseheart, Ill.—Granted license covering installation of new equipment; **1130 kc.,** 20 KW, limited time.

WJBC—Kaskaskia Broadcasting Co., La Salle, Ill.—Granted C. P. to move transmitter to Normal, Ill., and studio to Wesleyan College Campus, Bloomington, Ill.

WWAE—Hammond-Calumet Broadcasting Corp., Hammond, Ind.—Granted C. P. to make changes in equipment.

WOW—Woodmen of the World Life Ins. Assn., Omaha, Nebr.—Granted C. P. to move transmitter to new site, make changes in equipment, and increase day power from 1 KW to 2½ KW.

KGBZ—KGBZ Broadcasting Co., York, Nebr.—Granted C. P. to make changes in equipment and increase day power to 2½ KW LS; application to increase night power from 500 watts to 1 KW set for hearing.

WKBB—Sanders Bros. Radio Station, Dubuque, Ill.—Granted modification of license to increase hours of operation from specified to unlimited.

WMT—Waterloo Broadcasting Co., Waterloo, Iowa—Granted special experimental authority to install new equipment and increase power from 500 watts night, 1 KW LS, to 1 KW night, 2½ KW LS.

WDAY—WDAY, Inc., Fargo, N. Dak.—Granted C. P. to make changes in equipment and increase daytime power from 1 KW to 2½ KW.

WLBF—The WLBF Broadcasting Co., Kansas City, Kans.—Granted license covering new equipment; **1420 kc.,** 100 watts, unlimited time.

KFKU—The University of Kansas, Lawrence, Kans.—Granted modification of license to increase power from 500 watts to 1 KW.

KMBC—Midland Broadcasting Co., Kansas City, Mo.—Granted C. P. to increase day power from 1 KW to 2½ KW.

KWK—Thomas Patrick, Inc., St. Louis, Mo.—Granted C. P. to make changes in equipment and increase daytime power from 1 KW to 2½ KW.

KFVS—Hirsch Battery & Radio Co., Cape Girardeau, Mo.—Granted C. P. to install new equipment; increase daytime power from 100 watts to 250 watts.

WDGY—Dr. Geo. W. Young, Minneapolis, Minn.—Granted C. P. to install new equipment and increase day power from 1 KW to 2½ KW.

KOIL—Mona Motor Oil Co., Council Bluffs, Iowa—Granted C. P. to install new equipment at site to be determined; increase day power to 2½ KW.

KSD—The Pulitzer Publishing Co. (St. Louis Post Dispatch), St. Louis, Mo.—Granted C. P. to make changes in equipment; increase day power from 1 KW LS to 2½ KW LS; application to increase night power from 500 watts to 1 KW set for hearing.

WBAA—Purdue University, W. Lafayette, Ind.—Granted modification of license to change frequency from **1400 kc.** to **890 kc.;** increase day power to 1 KW LS, and change in specified hours.

WKBF—Indianapolis Broadcasting, Inc., Indianapolis, Ind.—Granted modification of license to change hours from specified to unlimited.

KSO—Iowa Broadcasting Co., Des Moines, Iowa—Granted C. P. to move transmitter to site to be determined in Iowa; install new equipment; change frequency from **1370 kc.** to **1320 kc.;** and increase power to 250 watts night, 500 watts day.

KGBX—KGBX, Inc., Springfield, Mo.—Granted special temporary authority to move transmitter, install new equipment, change frequency from **1310 kc.** to **1230 kc.** and power from 100 to 500 watts, and change hours from LS to midnight.

WKBF—Indianapolis Broadcasting, Inc., Indianapolis, Ind.—Granted C. P. to make changes in equipment and increase daytime power from 500 watts to 1 KW. Also granted regular renewal of license for term ending November 1, 1934.

WBAA—Purdue University, W. Lafayette, Ind.—Granted regular renewal license for term ending November 1, 1934.

KMA—May Seed & Nursery Co., Shenandoah, Iowa—Application to increase night power to 1 KW, heretofore set for hearing, reconsidered and granted.

KGBZ—York Broadcasting Co., York, Nebr.—Application to increase night power to 1 KW, heretofore set for hearing, reconsidered and granted.

Fifth Zone

KVL—KVL, Inc., Seattle, Wash.—Granted C. P. change equipment.

KQW—Pacific Agricultural Foundation, Ltd., San Jose, Calif.—Granted modification of C. P. to increase power from 500 watts to 1 KW from 7 p. m., PST.

KFQD—Anchorage Radio Club, Inc., Anchorage, Alaska—Granted modification of license to change frequency from **600 kc.** to **780 kc.**

KIEV—Cannon System, Ltd., Glendale, Calif.—Granted C. P. to install new equipment and increase power from 100 to 250 watts.

KLZ—The Reynolds Radio Co., Inc., Denver, Colo.—Granted C. P. to move transmitter locally, install new equipment, and increase day power from 1 KW to 2½ KW.

KRE—First Congregational Church of Berkeley, Berkeley, Calif.—Granted modification of license to change hours from specified to unlimited.

KROW—Educational Broadcasting Corp., Oakland, Calif.—Granted modification of license to increase nighttime power from 500 watts to 1 KW.

KUJ—KUJ, Inc., Walla Walla, Wash.—Granted special experimental authority for extension of special experimental authority to operate unlimited time instead of daytime only.

KVOA—Arizona Broadcasting Co., Inc., Tucson, Ariz.—Granted modification of license to make change in specified hours of operation.

KGGC—The Golden Gate Broadcasting Co., San Francisco, Calif.—Granted modification of license for two additional nighttime hours of operation—9 to 11 p. m.

KSLM—Oregon Radio, Inc., Salem, Ore.—Granted modification of C. P. approving transmitter site.

KWYO—R. E. Carroll, d/b as Big Horn Broadcasting Co., Sheridan, Wyo.—Granted modification of C. P. to extend completion date from July 2 to September 1, 1934.

KTBR—Thos. R. McTammany and Wm. H. Bates, Modesto, Calif.—Granted license covering new station; **740 kc.**, 250 watts, daytime.

SET FOR HEARING

KOL—Seattle Broadcasting Co., Seattle, Wash.—Special experimental authority to change frequency from **1270 kc.** to **850 kc.** experimentally.

NEW—J. David Stern, New York City—C. P. for new station; **810 kc.**, 500 watts. Hours of operation, 6 a. m. to sunset of Station WCCO (facilities of WNYC).

NEW—Frank Lyman, Jr., Boston, Mass.—C. P. for new station; **680 kc.**, 250 watts, limited time.

WOV—International Broadcasting Corp., New York—C. P. to install directional antenna and increase hours of operation from daytime only to unlimited.

WTJS—The Sun Publishing Co., Jackson, Tenn.—C. P. to make changes in equipment, change frequency from **1310 kc.** to **1430 kc.**, and increase power from 100 watts night, 250 watts day, to 500 watts (facilities of WNBR).

NEW—A. R. Montgomery, Findlay, Ohio—C. P. (experimental broadcast), **1530 kc.**, 1 KW.

NEW—Western Radio Telegraph Co., Inc., Cahokia, Ill.—C. P.'s for 3 new stations (fixed public point-to-point tel.), **2252, 3047.5, 3022.5 kc.**, 50 watts.

NEW—The Herald Publishing Co., Denison, Tex.—C. P. for new station near Denison, Tex., redesignated for hearing on new issues shown in bill of particulars filed June 21, 1934.

WFAB—Fifth Ave. Broadcasting Corp., New York City—Renewal of station license.

WHAZ—Rensselaer Polytechnic Institute, Troy, N. Y.—Renewal of station license.

WCSH—Congress Square Hotel Co., Portland, Maine—Modification of license to increase day power from 2½ KW to 5 KW.

WKEU—Radio Station WKEU—LaGrange, Ga.—C. P. to move station from LaGrange, Ga., to Chattanooga, Tenn.; change frequency and hours of operation from **1500 kc.** to **1370 kc.** and specified to daytime.

KECA—Earle C. Anthony, Inc., Los Angeles, Calif.—Modification of C. P. to install new equipment; increase day power from 2½ KW to 5 KW; extend dates of commencement and completion to 90 days after grant and 30 days thereafter, respectively.

WTMJ—The Journal Co., Milwaukee Journal, Waukesha, Wis.—Modification of license to increase power from 1 KW night, 2½ KW day, to 5 KW.

KTFI—Radio Broadcasting Corp., Twin Falls, Idaho—Modification of license to increase night power from 500 watts to 1 KW.

WAAB—Bay State Broadcasting Corp., Boston, Mass.—Modification of license to increase power from 500 watts to 1 KW.

WBNX—Standard Cahill Co., Inc., New York—Modification of license to increase power from 250 watts to 500 watts.

WTAG—Worcester Teleg. Publishing Co., Inc., Worcester, Mass.—Modification of license to increase power from 500 watts to 1 KW.

WCBA—B. Bryan Musselman, Allentown, Pa.—Modification of license to increase power from 250 watts to 500 watts.

WSAN—WSAN, Inc., Allentown, Pa.—Modification of license to increase power from 250 to 500 watts.

WCHS—Charleston Broadcasting Corp., Charleston, W. Va.—Modification of license to increase night power from 500 watts to 1 KW.

WBBM—WBBM Broadcasting Corp., Chicago, Ill.—C. P. to install new equipment and increase power from 25 to 50 KW.

KFAB—KFAB Broadcasting Co., Lincoln, Nebr.—C. P. to install new equipment and increase power from 5 KW to 10 KW.

KMAC—W. W. McAllister, San Antonio, Tex.—C. P. to move transmitter site to near San Antonio; install new equipment; change frequency from **1370 kc.** to **1290 kc.**; power to 1 KW; hours from sharing with KONO to unlimited.

WDAF—The Kansas City Star Co., Kansas City, Mo.—C. P. to install new equipment; increase daytime power from 1 KW to 2½ KW.

WGLC—Adirondack Broadcasting Co., Inc., Hudson Falls, N. Y.—C. P. to move transmitter and studio from Hudson Falls to Albany, N. Y.

NEW—Harold E. Smith, Rensselaer, N. Y.—C. P. for new station at Rensselaer, N. Y., to use **1370 kc.**, 100 watts, unlimited time, facilities of WGLC.

WNBO—John Brownlee Spriggs, Silver Haven, Pa.—C. P. to move transmitter and studio from Silver Haven to near Elco, Pa.; make changes in antenna system. Also consent to voluntary assignment of license to The Voice of Southwestern Pennsylvania, Inc.

WALR—WALR Broadcasting Corp., Zanesville, Ohio—C. P. to move transmitter and studio from Zanesville to Toledo.

NEW—E. B. Craney, Helena, Mont.—C. P. for new station in Helena, to use **1420 kc.**, 100 watts, unlimited time.

NEW—Montana Broadcasting Co., Helena, Mont.—C. P. for new station in Helena, to use **1420 kc.**, 100 watts, specified hours.

NEW—B. J. Hecker, Salem, Ore.—C. P. for new station at Salem, Ore., to use **1330 kc.**, 500 watts, unlimited time, facilities of KWJJ.

WKOK—Sunbury Broadcasting Corp., Sunbury, Pa.—Modification of license, change hours of operation from specified to unlimited, facilities WBAX.

KTUL—Tulsa Broadcasting Co., Inc., Tulsa, Okla.—Modification of license, increase nighttime power from 250 to 500 watts.

KTAT—KTAT Broadcast Co., Inc., Fort Worth, Tex.—Special experimental authority to change frequency from **1240 kc.** to **970 kc.**

KGVO—Mosby's Inc., Missoula, Mont.—Special experimental authority to move transmitter locally, change frequency and power, for period ending 10-1-34, while station KGHL operates on **780 kc.**; change frequency from **1200 kc.** to **950 kc.**, and change power from 100 to 500 watts.

NEW—Kunsky-Trendle Co., Detroit, Mich.—C. P. for new station to operate on **640 kc.**, 10 KW, with directional antenna.

NEW—The Journal Co. (Milwaukee Journal), Waukesha, Wis.—License (special experimental) for authority to use frequency **620 kc.** after midnight for high-speed facsimile, 1 KW. (To be heard by whole Commission.)

NEW—A. Tornek and R. Lillie, doing business as Metro Broadcasting Co. of East Los Angeles, Cal.—Application for new broadcasting station redesignated for hearing.

WISN—American Radio News Corp., Milwaukee, Wis.—Application to increase power from 500 to 1000 watts, set for hearing, but station may use additional power pending hearing.

APPLICATION DISMISSED

KTRH—KTRH Broadcasting Co., Houston, Tex.—Application to extend special experimental authority, **630 kc.**, 500 watts, 1 KW LS, 19/20 of full time, heretofore designated for hearing, was dismissed at request of applicants.

ORAL ARGUMENT GRANTED

Oral argument was granted in re Ex. Rep. No. 562, involving station KICK at Carter Lake, Iowa, the date to be determined later.

RENEWAL OF LICENSES

WPEN—William Penn Broadcasting Co., Philadelphia, Pa.—Present license extended for one month from July 1, on temporary basis subject to such action as may be taken on application for renewal.

KVOS—KVOS, Inc., Bellingham, Wash.—Granted renewal of license for term ending December 1, 1934.

WGLC—The Adirondack Broadcasting Co., Inc., Hudson Falls, N. Y.—Granted temporary license subject to such action as the Commission may take on this station's application for renewal, which was set for hearing because its facilities have been applied for.

WQDM—Regan and Bostwich, St. Albans, Vt.—License extended on temporary basis to August 1, 1934, pending receipt and action on application for renewal.

KGIX—J. M. Heaton, Las Vegas, Nev.—Granted renewal of license on temporary basis to January 1, 1935, subject to such action as the Commission may take on their pending application for renewal.

KPJM—M. B. Scott and Edward C. Sturm, Prescott, Ariz.—Same.

SPECIAL AUTHORIZATIONS

WHBY—WHBY, Inc., Green Bay, Wis.—To remain silent July 4th.

KWCR—Cedar Rapids Broadcasting Co., Cedar Rapids, Iowa—Extension of special temporary authority to operate on **1430 kc.**, with 250 watts, for period beginning July 1 and ending at commencement of program tests, but not later than January 1, 1935.

WEBR—Howell Broadcasting Co., Inc., Buffalo, N. Y.—To remain silent July 4th.

WKBV—Knox Battery & Electric Co., Richmond, Ind.—Special temporary authority extended, to operate from 10 a. m. to 12 noon; 6 to 10 p. m., (daylight saving time instead of CST) daily except Sunday, for period July 1 during period daylight saving time applies, but not later than September 30, 1934.

WRAX—WRAX Broadcasting Co., Philadelphia, Pa.—To operate without approved frequency monitor for period of 2 weeks from July 2.

KOAC—Oregon State Agricultural College, Corvallis, Ore.—To reduce hours of operation to the following specified hours: 9 a. m. to 3 p. m. and 6:30 to 8:30 p. m., PST, for period July 1 to September 1.

WHNY—Peter Goelet, Chester Township, N. Y.—To operate simultaneously with station WGBB from 1 to 3 p. m., EDST, August 15, and simultaneously with WFAS from 3 to 5 p. m., EDST, August 15, and 1 to 5 p. m., EDST, August 16.

KFDY—South Dakota State College, Brookings, S. Dak.—To remain silent July 4th.

WBSO—Broadcasting Service Organization, Inc., Needham, Mass.—To remain silent July 4th.

WSVS—Seneca Vocational High School, Buffalo, N. Y.—To remain silent from 3 a. m., EST, July 1 to a period ending not later than September 10.

MISCELLANEOUS

WIBG—WIBG, Inc., Glenside, Pa.—Granted regular license to expire November 1, 1934. Application for renewal was designated for hearing on April 27, because of pending application of Charles Dixon Gentsch which has just been dismissed.

NEW—Martin C. McIntyre, Bradford, Pa.—C. P. for new station, **1420 kc.**, 100 watts, unlimited time, heretofore designated for hearing, was dismissed at request of applicant.

NEW—General Television Corp., Boston, Mass.—C. P. (experimental service), heretofore set for hearing, was dismissed at request of applicant.

The hearing in re stations WARD, WLTH, WFVV, WEVD, WBBC, for use of frequency **1400 kc.** was continued to a date to be decided later. Appearances must be filed by August 1, 1934. The applications of Arde Bulova, Norman K. Winston and American Radio Productions, Brooklyn Daily Eagle Broadcasting Co., Inc., and American Radio Productions, Inc., for new stations to use the frequency **1400 kc.** will be heard in conjunction with the applications of the renewal of licenses of the Brooklyn stations now using that frequency. All these cases will be heard at the same time, and all appearances must be filed by August 1, 1934.

WLBW—Broadcasters of Pennsylvania, Erie, Pa.—Reconsidered and granted application for increase in night power from 500 watts to 1 KW.

WTOC—Savannah Broadcasting Co., Savannah, Ga.—Reconsidered and granted application for increase in night power from 500 watts to 1 KW.

KWCR—Cedar Rapids Broadcasting Co., Cedar Rapids, Ia.—The Commission reconsidered its action of April 20 and June 26, and ordered that station KWCR be authorized to use 500 watts daytime power.

ACTION ON EXAMINERS' REPORTS

WJBW—Ex. Rep. No. 545: Charles C. Carlson, New Orleans, La.—Denied modification of license from sharing time equally with WBBX to unlimited, **1200 kc.**, 100 watts (facilities of WBBX). Examiner Walker sustained.

WBBX—Samuel D. Reeks, New Orleans, La.—Granted consent to voluntary assignment of license to Coliseum Place Baptist Church, and granted renewal of license, **1200 kc.**, 100 watts, shares equally with WJBW. Examiner R. L. Walker reversed. (Order effective June 29, 1934.)

NEW—Ex. Rep No. 547: Elvan Tarkington, Indianapolis, Ind.—Granted C. P. for general experiment station, 12 watts, continuous operation. Examiner R. L. Walker reversed. (Order effective June 29).

NEW—Ex. Rep. No. 553: J. H. Squires and A. E. Cullum, Jr., Dallas, Tex.—Denied C. P. for new station to operate on **1200 kc.**, 100 watts, daytime hours, sustaining Examiner Geo. H. Hill.

NEW—Earl Marvin Nail, Lubbock, Tex.—Denied C. P. for new station to operate on **1310 kc.**, 100 watts, share with KFYO. Examiner Hill sustained.

KFYO—T. E. Kirksey, d/b as Kirksey Bros., Lubbock, Tex.—Granted renewal of license, **1310 kc.**, 100 watts night, 250 watts day, unlimited time, sustaining Examiner Hill. (Order effective June 29, 1934).

NEW—Ex. Rep. No. 557: Pittsburgh Radio Supply House, Greensburg, Pa.—Granted C. P. for new station to operate on **620 kc.**, 250 watts, daytime hours (7 a. m. to local sunset), sustaining Examiner R. L. Walker. (Order effective June 29.)

NEW—Ex. Rep. No. 558: A. V. Tidmore, Salisbury, Md.—Denied C. P. for new station to operate on **1200 kc.**, 100 watts, daytime hours, sustaining Examiner R. L. Walker. (Order effective June 29.)

NEW—Ex. Rep. No. 568: D. J. Burton and L. C. Davis, Temple, Tex.—Denied as in case of default C. P. for new station to operate on **990 kc.**, 250 watts, daytime hours, sustaining Examiner R. L. Walker.

WBOW—Ex. Rep. No. 546: Banks of Wabash, Inc., Terre Haute, Ind.—Denied C. P. to make changes in equipment, change frequency from **1310 kc.** to **1360 kc.**, increase power from 100 watts to 500 watts night, 1 KW day, unlimited time, sustaining Examiner Geo. H. Hill.

WHBY—WHBY, Inc., Green Bay, Wis.—Denied C. P. to make changes in equipment, change frequency from **1200 kc.** to **1360 kc.**, change power from 100 watts to 1 KW, unlimited time, sustaining Examiner Hill.

WSBT—Ex. Rep. No. 546: The South Bend Tribune, South Bend, Ind.—Granted renewal of license, **1230 kc.**, 500 watts, specified hours, sustaining Examiner Hill.

WSBC—WSBC, Inc., Chicago, Ill.—Dismissed C. P. to change location, install new equipment, change frequency to **1360 kc.**, and change power from 100 watts to 1 KW night, 1¼ KW LS, from specified hours to share with WGES, sustaining Examiner Hill.

NEW—John L. Hopkins, Hammond, Ind.—Dismissed application for C. P. for new station to operate on **1360 kc.**, 1 KW, share with WGES, sustaining Examiner Hill.

WSBT—The South Bend Tribune, South Bend, Ind.—Granted modification of license to change frequency from **1230 kc.** to **1360 kc.**; change specified hours to spec. hours, facilities vacated by WJKS, 500 watts, sustaining Examiner Hill.

WFBM—Indianapolis Power and Light Co., Indianapolis, Ind.—Granted modification of license to change hours from specified to unlimited (facilities of WSBT); **1230 kc.**, 1 KW,; sustaining Examiner Hill.

WGES—Oak Leaves Broadcasting Station, Inc., Chicago, Ill.—Granted renewal of license, **1360 kc.**, 500 watts, 1 KW LS on Sunday, share with WJKS, sustaining Examiner Hill. (The effective date in the above cases is July 13, 1934.)

WJEJ—Ex. Rep. No. 560: Hagerstown Broadcasting Co., Hagerstown, Md.—Denied C. P. to make changes in equipment, change hours of operation from daytime to unlimited, and increase power from 100 watts day to 250 watts day, 50 watts night, **1210 kc.**, sustaining Examiner Ralph L. Walker. (Order effective July 6, 1934.)

NEW—Ex. Rep. No. 567: C. C. Morris, Ada, Okla.—Granted C. P. for new station to operate on **1200 kc.**, 100 watts, daytime hours, sustaining Examiner Geo. H. Hill. (Order effective July 6.)

ACTION ON CASES HEARD BEFORE WHOLE COMMISSION

NEW—Robert Lowell Burch, Salem, Ore.—Denied C. P. for new experimental broadcast station to operate on **1530 kc.**, 300 watts, experimentally for 2 months, thereafter 1 KW, unlimited. (Order effective July 13.)

NEW—General Television Corp., Boston, Mass.—Denied C. P. for new experimental broadcast station to operate on **1570 kc.**, 500 watts, unlimited time. (Order effective July 13.)

APPLICATIONS RECEIVED

First Zone

WCSH—Congress Square Hotel Co., Portland, Maine—Modification of license to increase power from 1 KW night, 2½ KW daytime to 1 KW night, 5 KW daytime.

WATR—Harold Thomas, Waterbury, Conn.—License to cover construction permit authorizing erection of new station to be operated on **1190 kc.**, 100 watts, daytime.

WINS—American Radio News Corp., New York, N. Y.—Modification of license to increase power from 500 watts night, 1 KW daytime to 1 KW day and night.

WHEC—WHEC, Inc., Rochester, N. Y.—Modification of license to increase power from 500 watts to 500 watts night, 1 KW daytime.

WOR—Bamberger Broadcasting Service, Inc., Newark, N. J.—Modification of construction permit for 50 KW to make changes in antenna system.

WRC—National Broadcasting Co., Inc., Washington, D. C.—Modification of license to increase power from 500 watts to 500 watts night, 1 KW daytime.

WMCA—Knickerbocker Broadcasting Co., Inc., New York, N. Y.—Modification of license to increase power from 500 watts to 500 watts night, 1 KW daytime.

WFEA—New Hampshire Broadcasting Co., Manchester, N. H.—Modification of construction permit authorizing erection of station to be operated on **1340 kc.**, 500 watts, unlimited, to request increase in power to 500 watts night, 1 KW daytime.

WFEA—New Hampshire Broadcasting Co., Manchester, N. H.—Extension of special experimental authorization to operate on **1430 kc.**, 500 watts, unlimited time, and simultaneous with WOKO, WHP, WBNS, and WHEC for period 7-1-34 to 11-1-34.

WWRL—Long Island Broadcasting Corp., Long Island, N. Y.—Construction to make changes in equipment and increase power from 100 watts to 100 watts night, 250 watts daytime.

NEW—American Broadcasting Co., Washington, D. C.—Construction permit to erect a new station to be operated on **830 kc.**, 100 watts, unlimited time. Site to be determined, Washington, D. C.

WTAG—Worcester Telegram Publishing Co., Inc., Worcester, Mass.—Modification of license to increase power from 500 watts to 1 KW. (Consideration under Rule 6-g.)

WBNX—Standard Cahill Co., Inc., New York, N. Y.—Modification of license to increase power from 250 watts to 500 watts. (Consideration under 6-g.)

WMEX—The Northern Corp., Chelsea, Mass.—Modification of construction permit for the erection of a new station to make changes in equipment and extension of commencement and completion dates.

WGCP—May Radio Broadcasting Corp., Newark, N. J.—License to cover construction permit authorizing changes in equipment and increase in power to 1 KW night, 2½ KW daytime.

WAAB—Bay State Broadcasting Corp., Boston, Mass.—Modification of license to increase power from 500 watts to 1 KW.

WHDH—Matheson Radio Co., Inc., Boston, Mass.—Modification of license to change hours of operation from Daytime to Unlimited, and change power from 1 KW to 500 watts night, 1 KW until sunset at Denver, Colo.

WEAN—Shepard Broadcasting Service, Inc., Providence, R. I.—Modification of license to increase power from 250 watts night, 500 watts daytime (with additional 250 watts night on experimental basis), to 500 watts. Amended to request 500 watts night, 1 KW daytime.

NEW—Palmer Broadcasting Syndicate, Inc., Portland, Maine—Construction permit for new station to be operated on **1210 kc.**, 100 watts, unlimited time. Location of studio and transmitter site to be determined, Portland, Maine. (Consideration under 6-g.)

WICC—Southern Connecticut Broadcasting Corp., Bridgeport, Conn.—Construction permit to install new equipment and increase daytime power from 500 watts to 1 KW.

Second Zone

WRBX—Richmond Development Corp., Roanoke, Va.—Modification of license to increase power from 250 watts to 250 watts night, 500 watts daytime.

NEW—Clarion Broadcasting Co., Inc., Clarion, Pa.—Construction permit to erect a new station to be operated on **800 kc.**, 250 watts, daytime. Amended to request **850 kc.** instead of **800 kc.**

NEW—Kunsky-Trendle Broadcasting Corp., Detroit, Mich.—Construction permit to erect a new station to be operated on **640 kc.**, 10 KW, unlimited time. Amended to omit request for facilities of KYW.

WNBO—John Brownlee Spriggs, Silverhaven, Pa.—Voluntary assignment of license to The Voice of Southwestern Pennsylvania, Inc.

WSPD—Toledo Broadcasting Co., Toledo, Ohio—Construction permit to install new equipment and increase power from 1 KW to 1 KW night, 2½ KW day.

WALR—WALR Broadcasting Corp., Zanesville, Ohio—Construction permit to move station from Zanesville to a site to be determined at Toledo, Ohio.

WKRC—WKRC, Inc., Cincinnati, Ohio—Construction permit to install new equipment and increase power from 500 watts (special authority 1 KW) to 1 KW night with directional antenna and 2½ KW day.

NEW—Marion K. Gilliam, Staunton, Va.—Construction permit to erect a new station to be operated on **550 kc.**, 500 watts, daytime. Transmitter to be at site to be determined between Staunton and Harrisonburg, Va.

WIBG—WIBG, Inc., Glenside, Pa.—Construction permit to install new transmitter at site to be determined, Pennsylvania, move main studio to Philadelphia, Pa., increase power from 100 watts to 500 watts with directional antenna, increase hours of operation from daytime to unlimited.

WSAN—WSAN, Inc., Allentown, Pa.—Modification of license to increase power from 250 watts to 1 KW.

WGAL—WGAL, Inc., Lancaster, Pa.—Construction permit to make changes in equipment and increase power from 100 watts to 100 watts night, 250 watts day.

WDBJ—Times World Corp., Roanoke, Va.—Modification of construction permit (2-P-B-3246 to make changes in equipment and increase day power from 500 watts to 1 KW) to increase night power from 500 watts to 1 KW (to be considered under Rule 6-g.)

WCBA—B. Bryan Musselman, Allentown, Pa.—Modification of license to increase power from 250 watts to 1 KW.

WCBA—B. Bryan Musselman, Allentown, Pa.—Modification of license to increase power from 250 watts to 1 KW. (Amended to request 500 watts.)

WJIM—Harold F. Gross, M. B. Keeler and L. A. Versluis d/b as Capitol City Broadcasting Co., Lansing Mich.—Modification of construction permit authorizing erection of new station requesting changes in equipment and correcting transmitter site.

WADC—Allen T. Simmons, Tallmadge, Ohio.—Construction permit to install new equipment and increase power from 1 KW to 1 KW night, 2½ KW daytime. (Consideration under Rule 6-g.)

WSAN—WSAN, Inc., Allentown, Pa.—Modification of license to increase power from 250 watts to 1 KW. (Amended to request increase to 500 watts only.)

WKJC—Lancaster Broadcasting Service, Inc., Lancaster, Pa.—Construction permit to install new equipment and increase daytime power from 100 watts to 250 watts.

WMC—WMC, Inc., Memphis, Tenn.—Special experimental authorization to increase power from 500 watts night, 1 KW daytime to 1 KW night, 2½ KW daytime, and make changes in equipment.

NEW—F. L. Whitesell, Forty Fort, Pa.—Construction permit to erect a new station to be operated on **930 kc.**, 1 KW, daytime. Amended to request 500 watts power, transmitter location at Scovell Island, Pa.

WCHS—Charleston Broadcasting Co., Charleston, W. Va.—Modification of license to increase power from 500 watts night, 1 KW daytime to 1 KW. (Consideration under Rule 6-g.)

WPHR—WLBG, Inc., Petersburg, Va.—Construction permit to move transmitter from Ettrick, Va., to site to be determined near Petersburg, Va.; change frequency from **1200 kc.** to **880 kc.**; increase power from 100 watts night, 250 watts daytime, to 500 watts; and hours of operation from un-

limited to daytime. (Consideration under Rule 6-g.) See applications of WBTM and WLVA.

WLVA—Lynchburg Broadcasting Corp., Lynchburg, Va.—Modification of license to change frequency from **1370 kc.** to **1200 kc.**, and hours of operation from sharing with WBTM to unlimited. (Consideration under Rule 6-g.) See applications of WPHR and WBTM.

WBTM—Piedmont Broadcasting Corp., Danville, Va.—Modification of license to change hours of operation from sharing with WLVA to unlimited. (Consideration under Rule 6-g.) See applications filed by WPHR and WLVA.

Third Zone

KWWG—Port Arthur College, Port Arthur, Texas—Modification of construction permit authorizing removal of station to Port Arthur requesting approval of exact transmitter site at Port Arthur, Texas.

WSGN—R. B. Broyles, trading as R. B. Broyles Furniture Co., Birmingham, Ala.—Modification of construction permit authorizing installation of new equipment and increase in power requesting an extension of completion date.

KTAT—KTAT Broadcast Co., Inc., Fort Worth, Tex.—Special experimental authorization to change frequency from **1240 kc.**, to **970 kc.**

WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—Construction permit to move transmitter to site to be determined near Macon, Ga., install new equipment and increase power from 500 watts to 1 KW. (Consideration under 6-g.)

WEED—William Avera Wynne, Rocky Mount, N. Car.—License to cover construction permit authorizing move of station from Greenville to Rocky Mount, N. Car.

WREC—WREC, Inc., Memphis, Tenn.—Special experimental authorization to operate with power of 1 KW night, 2½ KW daytime, on **600 kc.**, for period 60 days.

KTUL—Tulsa Broadcasting Co., Inc., Tulsa, Okla.—Modification of license to increase power from 250 watts night, 500 watts daytime to 500 watts day and night.

KGKL—KGKL, Inc., San Angelos, Texas—Construction permit to install new equipment and increase power from 100 watts to 100 watts night, 250 watts daytime.

KLRA—Arkansas Broadcasting Co., Little Rock, Ark.—License to cover construction permit authorizing installation of new equipment and increase in power from 1 KW to 1 KW night, 2½ KW day.

KRMD—Radio Station KRMD, Inc., Shreveport, La.—Modification of license to change hours of operation from specified to unlimited time, to be considered under Rule 6-g.

WBRC—Birmingham Broadcasting Co., Inc., Birmingham, Ala.—Modification of license to increase power from 500 watts to 1 KW. (To be considered under Rule 6-g.)

KGKO—Wichita Falls Broadcasting Co., Wichita Falls, Texas—Special experimental authorization to increase night power from 250 watts to 500 watts.

KMAC—W. W. McAllister, San Antonio, Tex.—Construction permit to move transmitter to site to be determined San Antonio, Tex.; install new equipment, change frequency from **1370 kc.** to **1290 kc.**, increase power from 100 watts to 1 KW and hours of operation from sharing with KONO to unlimited. (Consideration under Rule 6-g.)

WTJS—The Sun Publishing Co., Jackson, Tenn.—Construction permit to make changes in equipment, change frequency from **1310 kc.** to **1430 kc.**, increase power from 100 watts night, 250 watts daytime, to 500 watts, facilities of WNBR. Amended to request transmitter site to be determined.

WKEU—Radio Station WKEU, LaGrange, Ga.—Construction permit to move station to a site to be determined at Chattanooga, Tenn.; change frequency from **1500 kc.** to **1370 kc.**, and hours of operation from specified to daytime. (Consideration under 6-g.)

KGKO—Wichita Falls Broadcasting Co., Wichita Falls, Texas—Modification of license to increase power from 250 watts night, 500 watts daytime to 250 watts night, 1 KW daytime. (Consideration under Rule 6-g.)

KARK—Arkansas Radio and Equipment Co., Little Rock, Ark.—Construction permit to install new equipment, move transmitter to site to be determined near Little Rock, Ark., and increase power from 250 watts night, 500 watts daytime to 1 KW with directional antenna. (Consideration under Rule 6-g.)

WDAG—National Radio and Broadcasting Corp., Amarillo, Tex.—Construction permit to install new equipment and increase power from 1 KW to 1 KW night, 2½ KW daytime. (Consideration under Rule 6-g.)

NEW—T. H. Barton, El Dorado, Ark.—Construction permit to erect a new station to be operated on **1370 kc.**, 100 watts, unlimited time.

Fourth Zone

KMBC—Midland Broadcasting Co., Kansas City, Mo.—Construction permit to install new equipment and increase power from 1 KW to 1 KW night, 2½ KW daytime.

NEW—Norman Baker, Muscatine, Iowa—Construction permit to erect a new station to be operated on **1170 kc.**, 5 KW, limited time.

WMT—Waterloo Broadcasting Co., Waterloo, Iowa—Special experimental authorization to install new equipment and increase power from 500 watts night, 1 KW daytime, to 1 KW night, 2½ KW daytime.

KGBZ—KGBZ Broadcasting Co., York, Nebr.—Construction permit to make changes in equipment and increase power from 500 watts night, 1 KW daytime to 1 KW night, 2½ KW daytime.

WOW—Woodmen of the World Life Insurance Association, Omaha, Nebr.—Construction permit to move transmitter to site to be determined, install new equipment, and increase power from 1 KW to 1 KW night, 2½ KW daytime. (Consideration under Rule 6-g.)

WBBM—WBBM Broadcasting Corp., Chicago, Ill.—Construction permit to install new equipment and increase power from 25 KW to 50 KW.

WDGY—Dr. Geo. W. Young, Minneapolis, Minn.—Construction permit to install new equipment and increase power from 1 KW to 1 KW night, 2½ KW daytime.

KMBC—Midland Broadcasting Co.—Construction permit to make changes in auxiliary transmitter to be used as main transmitter during daytime and increase power from 1 KW to 1 KW night, 2½ KW daytime. Present main transmitter to be used at night.

WTMJ—The Journal Co. (The Milwaukee Journal), Milwaukee, Wis.—Modification of license to increase power from 1 KW night, 2½ KW daytime to 1 KW night, 5 KW daytime.

KGBX—KGBX, Inc., Springfield, Mo.—Construction permit to move transmitter to a site to be determined near Springfield, Mo., install new equipment, change frequency from **1310 kc.** to **1230 kc.**, and increase power from 100 watts to 500 watts, directional antenna. (Consideration under Rule 6-g.)

WDAY—WDAY, Inc., Fargo, N. Dak.—Construction permit to install new equipment and increase power from 1 KW to 1 KW night, 2½ KW daytime.

KSD—Pulitzer Publishing Co., St. Louis, Mo.—Modification of license to determine operating power by direct antenna measurement.

KSD—The Pulitzer Publishing Co., St. Louis, Mo.—Construction permit to make changes in equipment and increase power from 500 watts night, 1 KW day, to 1 KW night, 2½ KW day.

KSO—Iowa Broadcasting Company, Des Moines, Iowa—Construction permit to move transmitter, site to be determined, Iowa; install new equipment, change frequency from **1370 kc.** to **1320 kc.**, increase power from 100 watts night, 250 watts day, to 250 watts night, 500 watts day, to be considered under Rule 6(g).

KWK—Thomas Patrick, Inc., St. Louis, Mo.—Construction permit to increase daytime power from 1 KW to 2½ KW, and make changes in equipment.

WKBB—Sanders Brothers Radio Station, East Dubuque, Ill.—Modification of license to change hours of operation from specified to unlimited.

KFAB—KFAB Broadcasting Co., Lincoln, Nebr.—Construction permit to install new equipment and increase power from 5 KW to 10 KW.

KFVS—Oscar Hirsch, trading as Hirsch Battery & Radio Co., Cape Girardeau, Mo.—Construction permit to install new equipment and increase power from 100 watts to 100 watts night, 250 watts daytime.

KOIL—Mona Motor Oil Co., Council Bluffs, Ia.—Construction permit to install new transmitter at site to be determined, and increase power from 1 KW to 1 KW night, 2½ KW daytime. (Consideration under Rule 6-g.)

WDAF—The Kansas City Star Co., Kansas City, Mo.—Construction permit to install new equipment and increase power from 1 KW to 1 KW night, 2½ KW daytime.

WBBM—WBBM Broadcasting Corp., Chicago, Ill.—Extension of special experimental authorization to synchronize during specified hours night with KFAB for period 8-1-34 to 2-1-35.

KFAB—KFAB Broadcasting Co., Lincoln, Neb.—Extension of specified experimental authorization to synchronize during specified hours night with WBBM for period 8-1-34 to 2-1-35.

WTMJ—The Journal Company (The Milwaukee Journal), Milwaukee, Wis.—Modification of license to increase daytime power from 2½ KW to 5 KW. (Amended to request increase in night power from 1 KW to 5 KW.)

KMBC—Midland Broadcasting Co., Kansas City, Mo.—Construction permit to make changes in auxiliary transmitter to be used as main transmitter during daytime and increase power from 1 KW to 1 KW night, 2½ KW daytime. Present main transmitter to be used at night. (Amended to improve auxiliary transmitter which is to be used as main transmitter day and night.)

WBAA—Purdue University, West Lafayette, Ind.—Modification of license to change frequency from **1400 kc.** to **890 kc.**, to increase power from 500 watts to 500 watts night, 1 KW daytime. (Consideration under 6-g.) Contingent upon the pending application from Station WKBF for unlimited time.

WKBF—Indianapolis Broadcasting, Inc., Indianapolis, Ind.—Modification of license to change hours of operation from specified hours to unlimited time. (Consideration under Rule 6-g.)

WKBF—Indianapolis Broadcasting, Inc., Indianapolis, Ind.—Construction permit to increase power from 500 watts to 500 watts night, 1 KW daytime; to change hours of operation from specified hours to unlimited time; also install new equipment. (Contingent upon the pending application of Station WBAA.)

Fifth Zone

KWYO—R. E. Carroll, trading as Big Horn Broadcasting Co., Sheridan, Wyo.—Modification of construction permit authorizing erection of new station to be operated on **1370 kc.**, 100 watts unlimited time requesting an extension of completion date from 7-2-34 to 9-1-34.

KXA—American Radio Telephone Co., Seattle, Wash.—Extension of special experimental authorization to operate simultaneously with WJZ from local sunset to 10 p. m., P. S. T., using 250 watts power.

KLZ—Reynolds Radio Co., Inc., Denver, Colo.—Construction permit to install new equipment, move transmitter to a site to be determined near Denver, Colo., and increase power from 1 KW to 1 KW night, 2½ KW daytime. (Consideration under Rule 6-g.)

KOL—Seattle Broadcasting Co., Seattle, Wash.—Special experimental authorization to operate on **850 kc.**, 1 KW night, 2½ KW daytime.

KIEV—Cannon System, Ltd., Glendale, Calif.—Construction permit to install new equipment and increase power from 100 watts to 250 watts, daytime.

KFQD—Anchorage Radio Club, Inc., Anchorage, Alaska—Modification of license to change frequency from **600 kc.** to **780 kc.**

KIEM—Harold H. Hanseth, Eureka, Calif.—Construction permit to install new equipment, change frequency from **1210 kc.** to **1450 kc.**, and increase power from 100 watts to 500 watts.

KOIN—KOIN, Inc., Portland, Ore.—Modification of construction permit authorizing changes in equipment and increase in daytime power to 5 KW requesting installation of new equipment and increase power to 1 KW night, 5 KW daytime.

KFXJ—R. G. Howell and Chas. Howell, d/b as Western Slope Broadcasting Co., Grand Junction, Col.—Construction permit to make changes in equipment and increase power from 100 watts to 100 watts night, 250 watts day.

KRE—First Congregational Church of Berkeley, Berkeley, Calif.—Modification of license for change in hours of operation from specified hours to unlimited time.

KIEM—Harold H. Hanseth, Eureka, Calif.—Consent to voluntary assignment of license to Redwood Broadcasting Co., Inc.

KQW—Pacific Agricultural Foundation, Ltd., San Jose, Calif.—Modification of construction permit (5-P-B-3245) to increase power from 500 watts to 1 KW up to 7 p. m. to 1 KW.

KROW—Educational Broadcasting Corp., Oakland, Calif.—Modification of license to increase power from 500 watts night 1 KW daytime to 1 KW.

KTFI—Radio Broadcasting Corp., Twin Falls, Idaho—Modification of license to increase power from 500 watts night, 1 KW daytime to 1 KW. (Consideration under 6-g.)

KQW—Pacific Agricultural Foundation, Ltd., San Jose, Calif.—Modification of construction permit granted to increase power to 1 KW up to 7 p. m. and 500 watts after and make changes in equipment requesting increase in power to 1 KW after 7 p. m.

APPLICATIONS RETURNED

WQIM—E. J. Regan and A. J. St. Antoine, St. Albans, Vt.—Consent to voluntary assignment of construction permit to E. J. Regan and F. Arthur Bostwick d/b as Regan and Bostwick. (Incomplete.)

NEW—Leo J. Blanchard, Fredericksburg, Tex.—Construction permit to erect a new station to be operated on **1120 kc.**, 100 watts, unlimited. (Rules 6 and 120, unsatisfactory transmitter site.)

WHDH—Matheson Radio Co., Inc., Boston, Mass.—Modification of license to increase power from 1 KW to 5 KW and increase hours of operation from daytime to unlimited. (Rules 116 and 140.)

NEW—Butler's, Inc., Agana, Guam—Construction permit to erect a new station to be operated on **1400 kc.**, 75 watts, unlimited. (Failure to answer letters requesting additional information.)

WNAC—Shepard Broadcasting Service, Inc., Boston, Mass.—Modification of license to change frequency from **1230 kc.** to **830 kc.**; facilities WHDH. (Rules 116 and 117.)

WJIM—Harold F. Gross, M. B. Keeler and L. A. Versluis, d/b as Capitol City Broadcasting Co., Lansing, Mich.—Modification of construction permit to make changes in equipment and transmitter site. (Incomplete.)

NEW—Mrs. V. E. Bernice Gambill, Guthrie, Okla.—Construction permit to erect a new station to be operated on **1500 kc.**, 100 watts, daytime. (Rule 6, improperly filed.)

NEW—E. R. Bennett, El Dorado, Ark.—Construction permit to erect a new station to be operated on **1370 kc.**, 100 watts, daytime. (Rule 6, Rule 5 and 151, unsatisfactory transmitter site.)

WGCP—May Radio Broadcast Corp., Newark, N. J.—License to cover construction permit to install new equipment and increase power. (Transmitter site wrong.)

KOL—Seattle Broadcasting Co., Seattle, Wash.—Modification of construction permit (5-P-B-3198a) requesting **850 kc.**, 1 KW, and changes in equipment. (Request of applicant.)

KOL—Same applicant.—Special experimental authorization to change frequency from **1270 kc.** to **850 kc.**, increase power from 1 KW to 5 KW for indefinite period. (Request of applicant.)

WNYC—City of New York, Dept. of Plant & Structures, New

York, N. Y.—Modification of license to increase power from 500 watts to 1 KW. (Signature and jurat.)

KTRH—KTRH Broadcasting Co., Houston, Tex.—License to cover construction permit for changes in equipment and increase in power from 1 KW to 1 KW night, 2½ KW daytime. (Rules 164 and 165; Form 327 unattached.)

KFJI—KFJI Broadcasters, Inc., Klamath Falls, Oreg.—Construction permit to install new equipment to change system of modulation. (Incomplete.)

WKBB—Sanders Bros. Radio Station, E. Dubuque, Iowa—Construction permit for new equipment to increase power from 100 watts to 250 watts; change frequency from **1500 kc.** to **1240** or **1300 kc.**; additional time. (Alternate facilities; Sections 15 (c), (d) and (e); Rules 5 and 6.)

KSD—Pulitzer Publishing Co., St. Louis, Mo.—Modification of license to increase power from 500 watts night, 1 KW daytime to 1 KW night, 2½ KW daytime. (Unnecessary.)

KFAB—KFAB Broadcasting Company, Lincoln, Nebr.—Construction permit to install new equipment. (Request of applicant.)

WDAF—The Kansas City Star Co., Kansas City, Mo.—Construction permit to increase power from 1 KW to 5 KW; also install new equipment. (Superseded by 4-P-B-3294.)

WIBG—WIBG, Inc., Glenside, Pa.—Construction permit to change equipment; increase power from 100 watts to 500 watts; change time from daytime to unlimited; move transmitter to WhitpainTownship, Washington Square Heights, Pa., and studio to Broad and Walnut Sts., Philadelphia., Pa. (Request of applicant.)

The National Association of Broadcasters

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NEW COMMISSION APPOINTED

Before leaving Washington on his Hawaiian cruise, President Roosevelt appointed the seven men who will become the newly created Federal Communications Commission.

The new Commission will meet for the purposes of organization on July 11. In the meantime the Federal Radio Commission will remain in power but will not pass upon any matters of importance.

The members of the new Commission are as follows:

Judge E. O. Sykes, Democrat, Mississippi, chairman, appointed for a seven-year term.

Thad H. Brown, Republican, Ohio, appointed for a six-year term.

Paul Walker, Democrat, Oklahoma, appointed for a five-year term.

Norman Case, Republican, Rhode Island, appointed for a four-year term.

Irvin Stewart, Democrat, Texas, appointed for a three-year term.

George Henry Payne, Republican, New York, appointed for a two-year term.

Hampson Gary, Democrat, Texas, appointed for a one-year term.

Judge Sykes for eight years was a member of the Mississippi Supreme Court and was appointed to the Federal Radio Commission in 1927. He has served with distinction as a member and as chairman of the Federal Radio Commission and his appointment as chairman of the new Commission was favorably received by the industry. He has broad experience in the field of radio regulation and possesses a keen knowledge of the problems of broadcasting.

Thad H. Brown has held important public offices in his state of Ohio and was a former Secretary of State of that State. He served as general counsel of the Federal Radio Commission and as a member of the Federal Radio Commission from the second zone. He is well-informed on the subject of broadcasting and undoubtedly will be assigned as one of the Commissioners on the radio division of the Commission.

Paul Walker has been chairman of the Oklahoma Corporation Commission, a lawyer of long experience in the regulation of utilities and is considered as a liberal.

Norman Case, was, for five years, Governor of Rhode Island.

Dr. Irvin Stewart is radio expert of the State Department and participated in both the Madrid Conference and the North American Conference.

George Henry Payne is a newspaper man and author and a member of the New York City Tax Commission.

Hampson Gary was Minister to Switzerland under President Wilson and is now practicing law in New York and Washington.

There is a rumor current that Representative Anning S. Prall of New York, appointed by President Roosevelt to the Radio Commission, but who never took office, will succeed Mr. Gary when the former is eligible to take office next year.

Herbert L. Pettey, Secretary of the Federal Radio Commission, will be named Secretary of the new Commission and there is a probability that Dr. C. B. Jolliffe, chief engineer, will be retained in a similar capacity in the new Commission. Dr. Jolliffe has the unqualified support of the Institute of Radio Engineers and of the engineering profession generally.

It is expected that Paul D. P. Spearman, formerly assistant general counsel of the Radio Commission, will be named general counsel of the new Communications Commission. Mr. Spearman, before coming to Washington, was counsel for the Mississippi Railroad Commission and is experienced in the field of telegraph, telephone and radio regulation.

Directors of the three separate divisions created under the law will be named by the Commission at one of its early meetings and appointments to other posts provided for by the act also will be considered. There is every possibility that George B. Porter, acting general counsel; Fanney Neyman, one of the most able lawyers in the legal division; and Ben S. Fisher, assistant general counsel, will be retained by the new Commission. Albert Stephan, former examiner for the Interstate Commerce Commission, who acted as clerk to the Senate Interstate Committee and assisted in drafting of the new law, also will be named to an important post in the new Commission.

The best information obtainable is that the new Commission will give first consideration to a sweeping investigation of telephone and telegraph rates. This is indicated by the fact that Senator Dill, Washington, co-author of the Communications Act, dropped, at the last minute his resolution to investigate the telephone company with the understanding that the new Commission would undertake a thorough study of the problem. Another indication that the Commission will turn promptly to telephone and telegraph rates is the failure of the National Recovery Administration to codify these industries.

However, the law itself makes mandatory a study of the various proposals made to Congress that the Government should allocate a percentage of broadcasting facilities to religious, educational, and similar bodies. The law provides that this report must be made on or before February 1, 1935, and, of course, is of vital interest to every broadcaster.

CODE HEARINGS STILL UNDER ADVISEMENT

The National Recovery Administration is giving study to the testimony adduced at the recent hearing held in Washington on the labor and wage provisions of the broadcasters' code. It is uncertain when a decision will be reached in the matter.

NOTICE

Any NAB member desiring information relative to the Kansas City College of Management, Westover Building, Kansas City, Mo., should write to the Southland Radio Corporation, Laurel, Mississippi.

Make your plans now to attend the

TWELFTH ANNUAL NAB CONVENTION

NETHERLAND-PLAZA HOTEL . . . CINCINNATI, OHIO

SEPTEMBER 16, 17, 18 AND 19, 1934

COPIES OF COMMUNICATIONS ACT SENT

Members of the NAB received copies of the Federal Communications Commission Act in the mails this week.

RECOMMENDS AGAINST NEW TEXAS STATION

Charles H. Gunthorpe, Jr., applied to the Radio Commission for a construction permit for a new broadcasting station to be located at Nacogdoches, Texas, to use 1420 kilocycles frequency, 100 watts power and daytime operation. Ralph L. Walker in Report No. 571 this week recommends that the application be denied.

The Examiner found that there is need in the community for radio service but he doubted if enough talent is available there and if there is enough commercial support for a station. He also calls attention to the fact that "the State of Texas is now 44 per cent over quota, while the Third Zone is 30 per cent over quota."

WLEY MOVE RECOMMENDED

Examiner Ralph L. Walker this week recommended favorable action on the application of Albert S. Moffat, owner of Station WLEY, Lowell, Massachusetts, for construction permit to move WLEY to Lexington, Mass., without change in frequency or power assignment.

FEDERAL RADIO COMMISSION ACTION

APPLICATIONS RECEIVED

First Zone

NEW—Irving D. Sisson, Pittsfield, Mass.—Construction permit for new station on **950 kc.**, 1 KW, daytime. Transmitter site to be determined at or near Pittsfield, Mass. Studio located Park Hotel, Pittsfield, Mass.

WNYC—City of New York, Department of Plant and Structures, New York, N. Y.—Modification of license to increase power from 500 watts to 1 KW.

WJAR—The Outlet Company, Providence, R. I.—Extension of special experimental authority to use additional power at night of 250 watts (licensed already 250 watts night, 500 watts daytime) for regular license period, 9-1-34 to 3-1-35.

WNAC—Shepard Broadcasting Service, Inc., Boston, Mass.—Modification of license to change frequency from **1230 kc.** to **830 kc.** (facilities of WHDH).

Second Zone

WJBK—James F. Hopkins, Inc., Detroit, Mich.—Construction permit to make changes in equipment and increase power from 100 watts to 100 watts night, 250 watts daytime.

Third Zone

WSFA—Montgomery Broadcasting Co., Inc., Montgomery, Ala.—Modification of license to increase power from 500 watts to 500 watts night, 1 KW daytime.

WACO—Central Texas Broadcasting Co., Inc., Waco, Tex.—Modification of license to increase time from specified hours to unlimited time.

WSFA—Montgomery Broadcasting Co., Inc., Montgomery, Ala.—Authority to determine operating power by direct antenna measurement.

Fourth Zone

WKBB—Sanders Bros. Radio Station, East Dubuque, Ill.—Construction permit to change equipment and increase daytime power from 100 watts to 250 watts, also change from specified hours to unlimited time.

KGNF—Great Plains Broadcasting Co. (a corp.), North Platte, Nebr.—Modification of license to increase power (day) from 500 watts to 1 KW.

KGCU—Mandan Radio Association, Inc., Mandan, N. Dak.—License to cover construction permit authorizing removal of transmitter and studio and equipment change.

WAAF—Drovers Journal Publishing Co., Chicago, Ill.—License to cover construction permit authorizing rebuilding of station destroyed by fire.

NEW—Edward Hoffman, St. Paul, Minn.—Construction permit to erect a new station to be operated on **1310 kc.**, 100 watts, unlimited time.

WLBL—State of Wisconsin, Department of Agriculture and Markets, Stevens Point, Wis.—Modification of license to change hours of operation from daytime to from 8 a. m. to local sunset.

Fifth Zone

KVOS—KVOS, Inc., Bellingham, Wash.—License to cover construction permit to move transmitter and studio locally.

KGIX—J. M. Heaton, Las Vegas, Nev.—Modification of construction permit authorizing removal of station and new equipment requesting authority to move transmitter locally and extend dates of commencement and completion.

NEW—Palmer Broadcasting Syndicate, Inc., Cheyenne, Wyo.—Construction permit to erect new station, operating on **1210 kc.**, 100 watts, unlimited time, transmitter site to be determined.

KECA—Earle C. Anthony, Inc., Los Angeles, Calif.—Modification of construction permit (granted to install new equipment and increase power from 1 KW to 1 KW night, 2½ KW daytime) to request further increase in daytime power to 5 KW and extension of commencement and completion dates.

KOOS—H. H. Hanseth, Inc., Marshfield, Ore.—Modification of license to change frequency from **1370 kc.** to **1200 kc.**

KTM—Pickwick Broadcasting Corp., Los Angeles, Calif.—Authority to determine operating power by direct antenna measurement.

APPLICATIONS RETURNED

WKFI—J. Pat Scully, Greenville, Miss.—Modification of construction permit granted 10-10-33 to move station to 1635 Carrollton Ave., Greenwood, Miss., and extension of commencement and completion dates. (Request of applicant; construction permit retired to closed files.)

KGNF—Great Plains Broadcasting Co., North Platte, Nebr.—Construction permit to install new frequency control equipment. (Wrong form.)

WCFL—Chicago Federation of Labor, Chicago, Ill.—Modification of construction permit to extend date of completion to 2-1-34. (Verification of date.)

NEW—W. L. Gleeson, Alameda, Calif.—Construction permit for new station on **1500 kc.**, 100 watts, unlimited time; transmitter located Central and Broadway, Alameda; studio, Alameda Hotel. (Secs. 26 and 9 unanswered.)

WQDM—A. J. St. Antoine and E. J. Regan, St. Albans, Vt.—Consent to voluntary assignment of construction permit to E. J. Regan and F. Arthur Bostwick, d/b as Regan & Bostwick. (Improperly executed.)

NEW—Clinton Broadcasting Corp., Clinton, S. C.—Construction permit to erect a new station to be operated on **1120 kc.**, 500 watts, daytime. (Improperly executed.)

KFJI—KFJI Broadcasters, Inc., Klamath Falls, Ore.—Construction permit for new equipment to change system of modulation. (Incomplete.)

KSD—The Pulitzer Publishing Co., St. Louis, Mo.—Modification of license to increase night power from 500 watts to 1 KW. (Unnecessary, and Rule 49.)

The National Association of Broadcasters

NATIONAL PRESS BUILDING ★ ★ ★ ★ ★ WASHINGTON, D. C.

PHILIP G. LOUCKS, Managing Director

NAB REPORTS

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JULY 18, 1934

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NEW COMMISSIONERS TAKE OATH

The Federal Communications Commission, created by an Act of Congress approved June 19, 1934, was organized on July 11 with the seven members appointed to that body by President Roosevelt present. Judge Eugene O. Sykes, named chairman by the President, presided at the organization meeting.

One of the first acts of the Commission was the appointment of Paul D. P. Spearman of Tremont, Miss., as general counsel of the Commission at a salary of $9,000 annually and the appointment of Herbert L. Pettey of Kansas City, Mo., as secretary at an annual salary of $7,500. For several years Mr. Spearman acted as general counsel of the Federal Radio Commission when he resigned to engage in private practice of law specializing in radio cases. Mr. Pettey was nominated for secretary by Judge Sykes. He has been serving as secretary of the Federal Radio Commission since March 31, 1933.

Following the organization meeting Chairman Sykes outlined to the press a program for the vigorous enforcement of the new law and pointed out that the Commission must make a report to Congress not later than February 1, 1935, recommending such amendments to the law as it deems advisable in the public interest.

COMMISSION FORMS DIVISIONS ON JULY 17

The Federal Communications Commission organized its division in keeping with the Communications Act. Three divisions composed of three members each were created, with Chairman E. O. Sykes serving on each division. The divisions and personnel follow:

Division No. 1—Broadcasting

Commissioner Gary—Chairman
Commissioner Brown—Vice Chairman
Commissioner Sykes.

Division No. 2—Telegraph

Commissioner Stewart—Chairman
Commissioner Payne—Vice Chairman
Commissioner Sykes.

Division No. 3—Telephone

Commissioner Walker—Chairman
Commissioner Case—Vice Chairman
Commissioner Sykes.

THE BROADCAST DIVISION shall have and exercise jurisdiction over all matters relating to or connected with broadcasting.

THE TELEGRAPH DIVISION shall have and exercise jurisdiction over all matters relating to or connected with record communication by wire, radio or cable, and all forms and classes of fixed and mobile radio-telegraph services and amateur services.

THE TELEPHONE DIVISION shall have and exercise jurisdiction over all matters relating to, or connected with telephone communication (other than broadcasting) by wire, radio or cable, including all forms of fixed and mobile radiotelephone service except as otherwise herein specifically provided for.

The whole Commission shall have and exercise jurisdiction over all matters not herein otherwise specifically allocated to a division; over all matters which fall within the jurisdiction of two or more of the divisions established by this order; and over the assignment of bands of frequencies to the various radio services. In any case where a conflict arises as to the jurisdiction of any division or where jurisdiction of any matter or service is not allocated to a division, the Commission shall determine whether the whole Commission or a division thereof shall have and exercise jurisdiction, and if a division, the one which shall have and exercise such jurisdiction.

BROADCAST DIVISION MEETS

The first meeting of the Broadcast Division of the FCC was held on Tuesday, July 17. Routine applications were passed upon and this was the business transacted. The FCC in the near future appoint directors for the three divisions.

The Broadcast Division will hold its next meeting next Tuesday, July 24, and it is probable that weekly meetings will be held Tuesdays thereafter. The Telegraph Division will probably meet Wednesdays and the Telephone Division on Thursdays.

OLD REGULATIONS IN EFFECT

With respect to the transfer of records and property of the Federal Radio Commission, Interstate Commerce Commission or Postmaster General to the new Communications Commission and the continuing in effect of all orders, determinations, rules, regulations, etc., of the Interstate Commerce Commission, Federal Radio Commission or Postmaster General, the Commission made public the following announcement:

"Attention is invited of all persons, firms, companies, or corporations, who are licensees, permittees or who may be otherwise affected by any order, determination, rule, regulation, permit, contract, license, or privilege which has been made or granted by the Interstate Commerce Commission, Federal Radio Commission or the Postmaster General under any provision of law repealed or amended by the Communications Act of 1934, approved June 19, 1934, which are in effect at the time said act becomes effective, that they are, by Section 604 of said Communications Act, *continued in effect until modified, terminated, superseded, or repealed by the Commission or by operation of law.*"

FOREIGN BROADCASTS AUTHORIZED

The Commission, at its organization meeting, adopted the following order in re Section 325 (b) and (c) requiring a permit for maintenance of studio programs to foreign radio stations:

"In order to continue existing service pending receipt of and action upon applications under Section 325 (b) and (c), the Com-

Make your plans now to attend the

TWELFTH ANNUAL NAB CONVENTION

NETHERLAND-PLAZA HOTEL . . . CINCINNATI, OHIO

SEPTEMBER 16, 17, 18 AND 19, 1934

mission ordered that temporary licenses be issued to the National Broadcasting Company, Inc., and the Columbia Broadcasting System authorizing the maintenance and use by them, or by any person subsidiary thereto, or affiliated therewith by contract or otherwise, of any existing radio broadcasting studios or other apparatus from which programs are produced and transmitted to a radio broadcasting station in Canada, said permit to contain the following express condition:

" 'This permit is issued on a temporary basis only and is subject to cancellation at any time by the Commission without notice or hearing. The authority herein granted shall not be construed as a finding that the location, maintenance or use of said studios for the purpose of this permit will be in the public interest, convenience or necessity beyond the express terms hereof.' "

BRIEF SKETCH OF CHAIRMAN SYKES

JUDGE EUGENE OCTAVE SYKES, who was named by President Roosevelt chairman for a term of 7 years, is one of the five original members of the Federal Radio Commission and started to serve on that body when it was first organized March 15, 1927. At that time he was named vice-chairman and served in that capacity until he was elected chairman March 21, 1933, a position he held until the Federal Radio Commission was abolished by enactment of the Federal Communications bill.

Judge Sykes was born at Aberdeen, Miss., on July 16, 1876. He received his academic training at St. John's College, Annapolis, a noted institution of learning, the third oldest college in the United States, and at the United States Naval Academy. He received his LL.B. degree at the University of Mississippi in 1897, and then began the practice of law at Aberdeen, Miss. He was Democratic presidential elector-at-large from Mississippi in 1904.

In 1916 Judge Sykes was appointed a Justice of the Supreme Court of Mississippi and soon afterwards was elected to the same office for a term ending 1925. He voluntarily retired from the bench in 1925 and resumed the practice of law.

Judge Sykes has attended several international radio conferences in an official capacity in recent years. He was named by President Coolidge chairman of the American delegation to the North American Radio Conference held in Ottawa in 1929. President Hoover appointed him chairman of the American delegation to the International Radio Conference held in Madrid in 1932, which lasted from early September until the end of December. At Madrid he was named chairman of the important technical committee. President Roosevelt named him chairman of the U. S. delegation to the North and Central American regional radio conference held in Mexico City in 1933.

Judge Sykes is a member of the Delta Kappa Epsilon, a Mason, an Elk, and a member of the Sons of Confederate Veterans. His home is at Jackson, Miss.

BRIEF SKETCH OF THAD H. BROWN

COLONEL THAD H. BROWN was born and reared on a farm in Lincoln Township, Morrow County, Ohio. He has always manifested keen interest in farming and stock raising, and in farmers' problems. For years he has owned and supervised farms of his own in his native state.

Colonel Brown attended country school and was graduated from high school, following which he taught school for one year.

He is an alumnus of Ohio Wesleyan and Ohio State Universities and was admitted to practice law in Ohio in June, 1912, and in 1930 he was admitted to practice before the Supreme Court of the United States.

He served 19½ months from July 1917, in the army during the World War. He entered as a Captain and was a Major upon retirement. He has been a Colonel in the Officers' Reserve Corps for the past eleven years.

He was appointed a member of the State Civil Service Commission of Ohio, February 1, 1920, by Governor James M. Cox, and served on that Commission until his resignation to qualify for Secretary of State of Ohio.

From 1919 to 1920 he was Second Post Commander of Franklin Post No. 1 at Columbus, the largest post, numerically, in the state.

From 1920 to 1921 he was Chairman of the Americanization Committee of the American Legion of Ohio.

He served as Secretary of State of Ohio from January 8, 1923, to January 10, 1927.

From April, 1927, to February, 1928, he was President of the Cleveland Radio Broadcasting Corporation, managing Radio Broadcast Station WJAY.

He became Chief Counsel of the Federal Power Commission September 13, 1929, and resigned December 16, 1929, to become General Counsel of the Federal Radio Commission. He resigned this office to become a member of the Federal Radio Commission March 28, 1932.

On April 25, 1933, he was selected Vice Chairman of the Federal Radio Commission.

Colonel Brown is a member of the following:

American, Federal and Ohio State Bar Associations.

American Academy of Political and Social Science.

Executive Committee, American Section, International Committee on Radio.

American Legion of Ohio.

He is a Presbyterian; 32nd Degree Mason, and a Member of the Shrine.

He is married and has one son, Thad, Jr., 17 years of age.

BRIEF SKETCH OF PAUL WALKER

PAUL ATLEE WALKER was born January 11, 1881. He is of Virginia Quaker stock, which migrated from that State early in the 19th century.

He graduated from the University of Chicago in 1909 with the degree of PH.B., and from the University of Oklahoma, Law Department, in 1912, with the degree of LL.B. He was for three years principal of the Shawnee, Oklahoma High School. For three years thereafter he was an instructor on the faculty of the University of Oklahoma. He has lived continuously in Oklahoma since 1905.

From 1912 to 1915, Mr. Walker practiced law at Shawnee, Oklahoma. For more than 15 years he was connected with the State Corporation Commission of Oklahoma serving as Counsel and Commissioner. He was elected to the Corporation Commission by popular vote and chairman of the Commission by vote of the Commission in January, 1931, serving in that capacity until July 11, 1934, when he became a member of the Federal Communications Commission by appointment of President Roosevelt for a term of five years.

In 1919 Mr. Walker was appointed referee by the Supreme Court of Oklahoma, under a statute which provided assistants to the court to enable the court to dispose of accumulated undecided cases. In this capacity he served till 1921, preparing opinions in cases which were referred to him by the court. He was highly commended for this work.

At the conclusion of his services with the Supreme Court of Oklahoma, he resumed his work as Special Counsel for the State Corporation Commission. As such counsel he was engaged continuously in the conduct of important litigation before the Corporation Commission of Oklahoma, the Interstate Commerce Commission and in Federal Courts. He represented the State of Oklahoma in rate litigation and proceedings which brought about a reorganization of the Oklahoma rates on grain, cotton, livestock, petroleum and other important commodities. He also instituted and conducted the Consolidated Southwestern Cases, so-called, in which important rate reductions for the Southwest were obtained.

Public utility investigations initiated by Mr. Walker while serving as chairman of the Corporation Commission of Oklahoma, and handled by him during his administration, included a general investigation of natural gas, electric light and power, telephone and cotton gin rates. He is the author of the report of the Corporation Commission in the Lone Star investigation affirmed by the State Supreme Court of Oklahoma, July 10, 1934.

In the important Rate Investigation carried on by the Interstate Commerce Commission under the Hoch-Smith Resolution, he was chairman of the Legal Committee, representing the Southwestern State Commission and Shippers' organization.

He served as chairman of the Committee on Cooperation with the Interstate Commerce Commission in the National Association of Railroad and Utilities Commissioners from 1925 until appointed a member of the Federal Communications Commission. He was a member of the Executive Committee of the Association and a member of its Committee on Legislation.

Mr. Walker was commissioned Major of the Oklahoma National Guard in 1918, and served as Judge Advocate General with the rank of Lieutenant Colonel of the Oklahoma National Guard during the period 1919 to 1934.

His College Fraternities are: Sigma Alpha Epsilon (Social), Phi Delta Phi (Legal), and Delta Sigma Rho (Debating and Oratorical).

He is a member of the following lodges:

Oklahoma City Lodge No. 36, A.F.&H.

Cyrus Chapter No. 7, R.A.M.

Bethlehem Commandry, No. 45.
India Temple, A.A.O.N.M.S. of Oklahoma City.
National Sojourners, Oklahoma City Chapter No. 43.
In politics Mr. Walker is a Democrat.

He is a member of the First Presbyterian Church of Oklahoma City, and has been a member of the Session of that church for several years. He is also a member of the Y.M.C.A. there.

He is a member of the Mens' Dinner Club of Oklahoma City, a prominent public affairs and social organization.

Mr. Walker married Myra Evelyn Williams on June 2, 1914, at Durant, Oklahoma. They have four children, two sons and two daughters.

BRIEF SKETCH OF NORMAN CASE

NORMAN STANLEY CASE was born in Providence, R. I., October 11, 1888. He is of Colonial and Mayflower ancestry, his forbears coming to Rhode Island to settle with Roger Williams.

He attended the public schools in Providence, graduating from Federal St. Grammar School in 1900; Classical High School in 1904. He received his A.B. degree from Brown University in 1908. He spent 1908-1909 in travel around the world. He attended Harvard Law School from 1909-1911, then Boston University Law School 1911-1912, and received his LL.B. degree from the latter institution in 1912.

He then practiced law in Rhode Island, having been admitted to the Rhode Island Bar in 1911, and the Massachusetts Bar in 1912. He was admitted to practice before the Supreme Court of the United States in 1923. He served in the Providence City Council from 1914-1918, although his term in that body was interrupted by his military service.

He enlisted in the Massachusetts National Guard as a private in 1909 when in law school, and rose from that rank through corporal, sergeant, 1st sergeant to a Second Lieutenant of Cavalry, Massachusetts Squadron in 1912, and 1st Lieutenant in 1913. In 1915 he transferred from the Massachusetts National Guard to the Rhode Island National Guard and became 1st Lieutenant of Troop A, 1st Rhode Island Cavalry, with which organization he served on the Mexican border in 1916.

In 1917, as Captain of Co. A, 103rd Machine Gun Battalion, 26th (Yankee) Division, he went to France in October of that year, and served with that Division until he was made a General Staff Officer, serving under Major General James G. Harbord. He was honorably discharged from the army in July, 1919. He received the decoration of Chevalier de L'Etoile Noir from the President of France.

He served as a member of the Soldiers Bonus Board of Rhode Island from 1920-1922, which was the Board that distributed the State bonus to Rhode Island men who served in the World War.

He was appointed U. S. Attorney for the District of Rhode Island in 1921 by President Harding, and served until 1926. In the fall of 1926 he was elected Lieutenant Governor of Rhode Island and succeeded to the Governorship in February, 1928, upon the death of Governor Pothier. He was subsequently elected Governor in 1928, and re-elected in 1930, serving until January, 1933. His service as Governor extended over a period of five years.

He was chairman of the Executive Committee of the Governor's Conference of the United States, 1930-1932, of which committee President Roosevelt was a member.

Governor Case received the honorary degree of Doctor of Laws from Manhattan College in 1930, and from Rhode Island State College in 1931. He is a member of the First Baptist church of Providence and a 32nd degree Mason. He is a Colonel in the Reserve Corps of the U. S. Army, commanding the 315th Cavalry.

Governor Case was married in 1916 to Emma Louise Arnold, of Bethel, Vermont, and they have three children, Norman Stanley, Jr. (1917); John Warren, 2nd (1921), and Elizabeth Richmond (1924).

During his term as Governor, the State of Rhode Island reduced her indebtedness each year. He was the first governor of the state to appoint Superior Court and District Court judges, the change in the law being made upon his recommendation. The Unemployment Relief Act was also passed during his administration, and during his term as Governor, Rhode Island took care of her own relief situation.

He is a member of the American Legion, Veterans of Foreign Wars, State Commander of the Military Order of Foreign Wars, various patriotic societies and the University Club of Providence.

BRIEF SKETCH OF IRVIN STEWART

Born at Fort Worth, Texas, October 27, 1899.
Graduated from Fort Worth High School.
Attended University of Oklahoma Law School, 1917-1919.
Received Degree of LL.B. from the University of Texas, 1920, and was admitted to the bar in Texas the same year.
Received B.A. and M.A. degrees, University of Texas, 1922.

Served on the faculty of the Department of Government at the University of Texas from 1922 to 1926, except for one year residence at Columbia University; subjects taught were constitutional law and international law.

Received Ph.D. from Columbia in 1926.

Served as Assistant Solicitor in the United States Department of State, Washington, June 1926 to January 1928.

Returned to the faculty of government at the University of Texas from February 1928 to June 1929.

Became head of the Department of Government at the Graduate School of the American University, Washington, September, 1929.

Entered the Treaty Division of the Department of State on October 1, 1930, and served as expert on communication matters in the Department until July 10, 1934.

Was a member of the American delegation to the International Radio Conference, 1927; International Technical Consulting Committee on Radio Communication, Copenhagen, 1931; Pan American Commercial Conference, Washington, 1931; International Radio Conference, Madrid, 1932; International Telegraph Conference, Madrid, 1932; North and Central American Regional Radio Conference, Mexico City, 1933.

Was a member of the Interdepartmental Committee on Communications, and worked with the congressional committees in drafting the bill creating the Federal Communications Commission.

Is the author of one book, "Consular Privileges and Immunities," Columbia University Press, 1926, and the editor of a volume on radio published in the Annals of the American Academy of Political and Social Science in 1929.

Is a contributor to various legal periodicals.

Married and has one son nine months of age.

BRIEF SKETCH OF GEORGE H. PAYNE

GEORGE HENRY PAYNE was born in New York City, August 13, 1876. He attended the College of the City of New York, 1891-93, following these studies with a special course in pharmacy and later studying law at the New York Law University.

In 1893 he embarked upon his journalistic career as proprietor of the Long Branch Summer Season. In 1895 he assumed the proprietorship of The Gothamite. During the period 1896-1912 Mr. Payne served successfully as asociate editor of Criterion Magazine, editorial writer for the Commercial Advertiser, musical and dramatic critic of the New York Evening Telegram, and political writer for the New York Evening Post. In 1915 he served as lecturer on the history and development of American journalism at the Cooper Union.

Mr. Payne has been active in political life for a number of years. He was a member of the New York County Republican Committee, 1906-07, was a candidate for the New York State Assembly in 1908, and in 1912 was one of the New York managers of the presidential campaign of Theodore Roosevelt. In 1920 Mr. Payne was floor manager of the campaign of General Wood for the Republican nomination for president. In the same year he was candidate for election to the U. S. Senate. Mr. Payne has also served as tax commissioner of New York City, and is a member of the State Council of National Defense.

Mr. Payne is president of the City Traffic and Health Association, Secretary of the Choate Memorial Committee, president of the Eastern and Middle West Travellers and a member of the Military Order of America. He was decorated with the Order of Danilo I by the Montenegran Government in 1921.

Mr. Payne is author of numerous books in the fields of drama, journalism and politics. Among his better known works are "A Great Part and Other Stories," "The Birth of a New Party," "History of the Child in Human Progress," "History of Journalism in America," "England—Her Treatment of America," a one-act musical comedy entitled "In Silver Idaho" and a one-act play, "The Lightning Stroke."

Mr. Payne is a member of the Metropolitan Club of Washington, D. C., the Army and Navy, City, National Republican, Park Republican and Hardware Clubs of New York, and the Cercle Interallie of Paris, France.

BRIEF SKETCH OF HAMPSON GARY

HAMPSON GARY was born in Tyler, Texas, April 23, 1873. His father, Franklin Newman Gary, a native of South Carolina, was a distinguished lawyer. Mr. Gary comes of colonial stock on both sides of his house, and his forbears saw service in the Ameri-

can Revolution. His great-grandfatber was a General in tbe War for Independence.

Mr. Gary was educated at Bingham School, N. C., and tbe University of Virginia, and is a member of Phi Beta Kappa and Alpha Tau Omega of the latter institution. He was captain of U. S. Volunteers in the Spanish American War and later was colonel of the Third Infantry regiment of Texas. He was a member of the Texas House of Representatives, serving on the Judiciary and Finance Committees, and was nominated presidential elector for the state-at-large in 1908 but declined the honor. He was made a regent of the University of Texas in 1909 and his excellent work in that post is still remembered.

Before coming to Washington, Mr. Gary bad won recognition in his profession. He was referee in bankruptcy for four years and a number of his opinions are published in the reports and several are cited in text books. He was standing master in chancery for the U. S. Court for two years and his decisions were rarely appealed. He was counsel in much important litigation, practicing in both the state and federal courts.

In 1914 he was made special counsel to the Department of State and later became a solicitor of same. After the entrance of tbe United States into the World War in 1917, President Wilson sent him as our envoy to Egypt. While serving at Cairo he was in charge also of American interests in Palestine, Syria and Arabia, and was at the front beyond Jerusalem with Field-Marshal Lord Allenby for a while in the World War, and in 1919 was called to Paris for technical work with the American Commission to Negotiate Peace.

Switzerland was the next field of Mr. Gary's service, his years of training in the law and in the State Department, practical experience as our diplomatic representative at Cairo, and the added insight gained in questions of world-wide significance at the Peace Conference caused the President to nominate him to be Envoy Extraordinary and Minister Plenipotentiary to that country. For several reasons the post was at that time one of the most important in the whole foreign field. The aftermath of war had brought to Berne and Geneva problems touching nearly every nation in the world. Tbey raised difficult questions of international law and diplomacy. Mr. Gary was able to take care of every interest of the United States and received the high commendation of his Government.

Mr. Gary has practiced law in Washington since 1921 and also in New York City since 1931, having offices in both cities. He is a member of the American Bar Association, American Society of International Law, Sons of the Revolution, and the New York Southern Society. His clubs include tbe Metropolitan, Cosmos, Chevy Chase, and Lawyers.

COMMISSIONERS GUESTS AT PARTY

Chairman Eugene O. Sykes, Commissioners Thad. H. Brown, Paul A. Walker, Norman S. Case, Irvin Stewart, George Henry Payne and Hampson Gary and Paul D. P. Spearman, general counsel, Dr. C. B. Jolliffe, acting cbief engineer, and Herbert L. Pettey, secretary, were tbe guests at a party attended by about 60 persons interested in radio, telephones and telegraphs at the Burning Tree Club at Washington, D. C., on Tuesday, July 17. Col. Marvin H. McIntyre, secretary to the President, was one of the honor guests. William Hard, internationally known autbor and radio commentator, was toastmaster.

DISCUSS CONVENTION PROGRAM

Ed. W. Spence, WPG, and Philip G. Loucks, NAB Managing Editor, discussed details for the September convention of the NAB to be held at the Netherland-Plaza Hotel, Cincinnati, Ohio, September 16, 17, 18 and 19. Appointment of a general convention committee and announcement of a tentative program will be made witbin the next two weeks.

McCOSKER ON NEW YORK COMMITTEE

Mayor LaGuardia of New York appointed Richard C. Patterson, executive vice president of the National Broadcasting Company, William S. Paley, president of the Columbia Broadcasting System, and Alfred J. McCosker, president of the Bamberger Broadcasting Service and president of the NAB, as a committee to study and make recommendations for improving the usefulness of WNYC, the station owned by the City of New York. Mr. Patterson was named chairman of the committee.

CARPENTER GOES TO CLEVELAND

H. K. Carpenter, general manager of Station WPTF, Raleigh, N. C., for tbe past six years, bas been named manager of WHK, Cleveland, Ohio, effective July 23. He will succeed M. A. Howlett, who resigned to return to his former work with the Watch Tower Society. Mr. Howlett has been in charge of WHK for eight years. Recently Mr. Howlett and his two brothers sold control of WHK and WAIU, Columbus, Ohio, to the Cleveland Plain Dealer.

Mr. Carpenter, who is a member of the NAB Board of Directors, and is chairman of the NAB Cost Accounting Committee, has been active in radio since 1926 when he left the Goodyear Tire and Rubber Company to manage WEAR and WTAN in Cleveland.

TRADE COMMISSION CITES ADVERTISERS

The Federal Trade Commission has scheduled ten informal hearings based upon alleged false and misleading statements made by advertisers over radio stations.

These hearings will be conducted by Chairman E. J. Adams, Clyde M. Hadley and W. F. Davidson, who constitute the special board of investigation which is surveying newspaper, magazine and radio advertising. The cases result from continuities submitted to the Commission by stations and there is every indication that other cases will follow.

Under the procedure set up by tbe Board neither the station, advertising agency nor advertiser is mentioned in its announcements nor are the charges made public. Tbe bearings are held in executive session and only the advertiser is named as respondent.

Chairman Adams says that in some instances advertisers who have been barred by newspapers bave advertised by radio and that continuation of a policy of broadcasting false and misleading statements by radio advertisers would adversely affect radio as an advertising medium.

Chairman Adams has expressed pleasure with the manner in which stations are cooperating with the Commission and hails this as proof that station owners, for the most part, are interested in protecting the public against false statements.

CHANGE PUBLICATION DATE

The Broadcast Division of the FCC will meet Tuesdays and in order to report as rapidly as possible tbe actions of tbe Division, the publication date of NAB REPORTS will be cbanged from Fridays to Tuesdays.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

First Zone

WGCP—May Radio Broadcasting Corp., Newark, N. J.—Granted license covering increase in power and installation of new equipment; **1250 kc.**, 1 KW night, 2½ KW day, shares with WNEW.

Second Zone

None

Third Zone

WPTF—WPTF Radio Co., Raleigh, N. C.—Granted extension of special experimental autbority to operate until 8 p. m., PST, for period ending February 1, 1935.

KTRH—KTRH Broadcasting Co., Houston, Tex.—Granted license covering changes in equipment, and increase in daytime power; **1330 kc.**, 1 KW night, 2½ KW day; unlimited.

KLRA—Arkansas Broadcasting Co., Little Rock, Ark.—Granted license covering changes in equipment and increase in daytime power; **1390 kc.**, 1 KW night, 2½ KW day; unlimited.

WGPC—Americus Broadcasting Corp., Albany, Ga.—Granted license covering move of station from Americus to Albany, Ga., and installation of new equipment; **1420 kc.**, 100 watts, daytime.

Fourth Zone

WBBM—WBBM Broadcasting Corp., Cbicago, Ill.—Granted extension of special experimental authority for syncbronous 3/7 night time operation witb KFAB from August 1 to February 1, 1935.

KSO—Iowa Broadcasting Co., Des Moines, Iowa—Granted modification of C. P.; changes in authorized equipment and for approval of exact transmitter location at 715 Locust St., Des Moines, Iowa.

KFAB—KFAB Broadcasting Co., Lincoln, Neb.—Granted extension of special experimental authority for 3/7 nighttime hours operation synchronously with WBBM and additional nighttime hours 7:30 to 8:30 p. m., from August 1, 1934 to September 30, 1934, and from 8:30 to 9:30 p. m., from October 1, 1934, to January 31, 1935.

WAAF—Drovers Journal Publishing Co., Chicago, Ill.—Granted license covering rebuilding of station destroyed by fire; **920 kc.**, 500 watts daytime.

KGCU—Mandan Radio Assn., Mandan, N. Dak.—Granted license covering local move of studio and transmitter and installing new equipment; **1240 kc.**, 250 watts, specified hours.

Fifth Zone

KFWB—Warner Bros. Broadcasting Corp., Hollywood, Cal.—Granted C. P. to change equipment and increase daytime power from 1 KW to 2½ KW.

KWFV—Hilo Broadcasting Co., Ltd., So. Hilo, Waiakea, T. H.—Granted modification of C. P. to extend completion date to September 1, 1934.

KXA—American Radio Telephone Co., Seattle, Wash.—Granted extension of special experimental authority to operate simultaneously with WJZ from local sunset to 10 p. m., PST, using 250 watts, for period ending February 1, 1935.

KVOS—KVOS, Inc., Bellingham, Wash.—Granted license covering local move; **1200 kc.**, 100 watts, unlimited time.

KOOS—H. H. Hanseth, Inc., Marshfield, Ore.—Granted modification of license to change frequency from **1370** to **1200 kc.**

KTM—Pickwick Broadcasting Corp., Los Angeles, Cal.—Granted authority to determine operating power by direct antenna measurement.

LICENSE RENEWALS

WBAP—Carter Publications, Inc., Fort Worth, Tex.—Granted temporary license subject to such action as may be taken upon the renewal application, which was set for hearing.

KFEQ—Scroggin & Co., Bank, St. Joseph, Mo.—Granted temporary license subject to such action as may be taken upon the renewal application, which was set for hearing.

WRAX—WRAX Broadcasting Co., Philadelphia, Pa.—Granted renewal of license on a temporary basis, subject to the condition that it may be cancelled at any time without advance notice or hearing when program tests are commenced at the new location in conformity with permit granted October 27, 1933, authorizing operation on frequency **920 kc.**

KYW—Westinghouse E. and M. Co., Chicago, Ill.—Granted renewal of license on temporary basis subject to the condition that it may be cancelled at any time without advance notice or hearing, when program tests are commenced at new location, Philadelphia.

TEMPORARY AUTHORIZATIONS

WHDF—The Upper Michigan Broadcasting Co., Calumet, Mich.—To operate from 7 to 9 a. m., CST, July 22, 29; August 5, 12 and 19, and from 6:30 to 7:30 p. m., CST; July 23, 25, 26, 27, 30; August 1, 2, 3, 6, 8, 9, 10, 13, 15, 16, 17, 20 and 22, 1934.

WLB—University of Minnesota, Minneapolis, Minn.—To operate from 10 to 10:45 a. m., CST, on July 19, 26; August 2, 9, 16, 23 and 30, 1934, provided WCAL and WRHM are silent.

WRHM—Minnesota Broadcasting Corp., Minneapolis, Minn.—To operate from 11:45 a. m. to 12:50 p. m., CST, on July 19, 26; August 2, 9, 16, 23 and 30, provided WLB remains silent.

WKRC—WKRC, Inc., Cincinnati, Ohio—Extended special temporary authority to operate with temporary emergency conventional antenna with power of 1 KW daytime, 500 watts night, for period July 25 to September 1.

WQDM—Regan & Bostwick, St. Albans, Vt.—To operate from 12 noon to 1 p. m., EST, July 22, 1934.

SET FOR HEARING

WMCA—Knickerbocker Broadcasting Co., Inc., New York City—Modification of license to increase daytime power from 500 watts to 1 KW.

MISCELLANEOUS

KMPC—Beverly Hills Broadcasting Corp., Beverly Hills, Cal.—Renewal application designated for hearing. Temporary license granted subject to further Commission action on application for renewal.

KTSA—Southwest Broadcasting Co., San Antonio, Tex.—Suspended grant of special experimental authorization because of protest of KSD, St. Louis, and application designated for hearing.

WIS—Station WIS, Inc., Columbia, S. C.—Suspended grant for C. P. to move transmitter to site to be determined; to change frequency from **1010 kc.** to **560 kc.**, and to increase power from 500 watts to 1 KW night, and from 1 KW to 2½ KW to LS. Application designated for hearing because of protests of stations WQAM, Miami, Fla.; WLIT, Philadelphia, and WFI, Philadelphia.

NEW—H. E. Studebaker, Lewiston, Idaho—C. P. for new station, **1420 kc.**, 100 watts, unlimited time, heretofore set for hearing, was denied as in case of default.

The Division reopened dockets Nos. 2219 and 2238, in re application for renewal of license of WBBS and application for consent to voluntary assignment of license of station WBBS to Virgil V. Evans, for further hearing in conjunction with Docket 2236, application of Virgil V. Evans for C. P. to move station WBBS from Huntsville, Alabama to Greenwood, S. C.

APPLICATIONS RECEIVED

First Zone

NEW—William M. Mace, Saranac Lake, N. Y.—Construction permit to erect new broadcast station to operate on **1370 kc.**, 100 watts power, unlimited time. Transmitter and studio located Glen St., Glens Falls, N. Y. (Requests facilities of Station WGLC.)

NEW—Willis T. Shaughnessy, Bay Shore, N. Y.—Construction permit to erect new broadcast station to operate on **1370 kc.**, 100 watts, unlimited time. Transmitter site to be determined in Suffolk Co., N. Y. Studio, Bay Shore, N. Y. To be considered under Rule 6.

WHDH—Matheson Radio Co., Inc., Boston, Mass.—Modification of license to increase hours of operation from daytime to unlimited with power of 1 KW until sunset at Denver and 500 watts thereafter.

WCNW—Arthur Faske, Brooklyn, N. Y.—Modification of construction permit, as modified, authorizing move of transmitter, installation of new equipment and increase in daytime power requesting changes in equipment and extension of commencement and completion dates.

WHOM—New Jersey Broadcasting Corp., Jersey City, N. J.—Construction permit to move transmitter from Jersey City, N. J., to Pier, Hoboken, N. J., and install new equipment.

NEW—Irving D. Sisson, Pittsfield, Mass.—Construction permit to erect a new station to be operated on **950 kc.**, 1 KW, daytime, amended to request **640 kc.**

Second Zone

WKBZ—Karl L. Ashbacker, Ludington, Mich.—Modification of construction permit authorizing removal of transmitter from Ludington to Muskegon, Mich., requesting an extension of commencement date from 7-8-34 to 8-8-34.

Third Zone

NEW—Raymond L. Hughes, Midland, Tex.—Construction permit to erect new broadcast station to operate on frequency of **1200 kc.**, 100 watts power, daytime. Transmitter located 1 mile west of Midland on U. S. Highway No. 80, outside of city limits. Studio, 117 Wall, Midland.

KGRS—E. B. Gish (Gish Radio Service), Amarillo, Tex.—Construction permit to make change in equipment and increase power from 1 KW to 1 KW night, 2½ KW daytime.

KBTM—W. J. Beard (Beard's Temple of Music), Paragould, Ark.—Modification of construction permit authorizing installation of new equipment and removal to Jonesboro requesting an extension of completion date from 7-15-34 to 10-1-34.

NEW—Winger and Thomas, Chattanooga, Tenn.—Construction permit to erect a new station to be operated on **1420 kc.**, 100 watts, daytime.

NEW—Dudley J. Connolly, Chattanooga, Tenn.—Construction permit to erect a new station to be operated on **1420 kc.**, 100 watts, unlimited time.

WSFA—Montgomery Broadcasting Co., Inc., Montgomery, Ala.—Modification of license to determine operating power by direct antenna measurement. (Corrections made.)

NEW—Lakeland Broadcasting Co., Lakeland, Fla.—Construction permit to erect a new station to be operated on **1200 kc.**, 100 watts, unlimited time.

NEW—Carolina Radio, Inc., Anderson, S. Car.—Construction permit to erect a new station to be operated on **1200 kc.**, 100 watts, unlimited time.

WREC—WREC, Inc., Memphis, Tenn.—Extension of special experimental authorization to operate with power of 1 KW night, 2½ KW daytime, for period 9-1-34 to 3-1-34.

Fourth Zone

KGNF—Great Plains Broadcasting Co. (a Corp.), North Platte, Nebr.—Authority to install automatic frequency control.

WCFL—Chicago Federation of Labor, Chicago, Ill.—Modification of construction permit to extend date of completion to 2-1-35.

KMMJ—The M. M. Johnson Co., Clay Center, Nebr.—Construction permit to install new equipment and increase power from 1 KW to 2½ KW.

WDGY—Dr. Geo. W. Young, Minneapolis, Minn.—License to cover construction permit granted 6-29-34 for new equipment and increase in power.

KSO—Iowa Broadcasting Co., Des Moines, Iowa.—Modification of construction permit authorizing installation of new equipment, move of transmitter and increase in daytime power to 500 watts requesting approval of old site for transmitter and make changes in equipment.

WTRC—The Truth Publishing Co., Inc., Elkhart, Ind.—Consent to voluntary assignment of license to Truth Radio Corp.

Fifth Zone

NEW—Dr. J. R. Burgess and Geo. R. Bairey, d/b as WHM Broadcasting Co., Helena, Mont.—Construction permit to erect a new station to be operated on **1420 kc.**, 100 watts, unlimited time.

KFXF—Colorado Radio Corp., Denver, Colo.—Modification of license to increase power from 500 watts to 500 watts night, 1 KW daytime.

KLS—S. W. Warner and E. N. Warner, d/b as Warner Brothers, Oakland, Cal.—Modification of license to change time from daytime to unlimited.

NEW—Great Western Broadcasting Assn., Inc., Logan, Utah—Construction permit to erect a new broadcasting station to operate on **1500 kc.**, 100 watts, unlimited. Transmitter located on site to be determined, Logan, Utah. Studio same location. To be considered under Rule 6 (g).

NEW—Great Western Broadcasting Assn., Inc., Provo, Utah—Construction permit to erect a new broadcasting station to operate on **1210 kc.**, 100 watts, unlimited time. Transmitter and studio: Site to be determined, Provo, Utah. Consideration under Rule 6.

KIT—Carl E. Haymond, Yakima, Washington—Construction permit to install new equipment and increase power from 100 watts to 100 watts night, 250 watts daytime.

APPLICATIONS RETURNED

WSDU—WSDU, Inc. (Joseph H. Uhalt), New Orleans, La.—Voluntary assignment of license. (Rule 19.)

KWK—Thomas Patrick, Inc., St. Louis, Mo.—Special experimental authority to increase power from 1 KW to 2½ KW, also make equipment change. (Request of applicant.)

WTRC—The Truth Publishing Co., Inc., Elkhart, Ind.—Voluntary assignment of license to Truth Radio Corp. (Jurat.)

WDZ—James L. Bush, Tuscola, Ill.—Construction permit to make change in equipment and increase power from 100 watts to 250 watts. Consideration under Rule 6 (g). (Jurat incomplete).

NEW—Ark-La-Tex Radio Corp., Laurel, Miss.—Construction permit to erect a new station to be operated on **1310 kc.**, 100 watts, specified hours, facilities of WAML. (Failure to answer Commission letters.)

KUMA—Albert H. Schermann, Yuma, Ariz.—Voluntary assignment of license to E. B. Sturdivant. (Failure to answer Commission letters.)

WBCM—James E. Davidson, Bay City, Mich.—Modification of license to increase daytime from 500 watts to 1 KW. (Not sworn to.)

NEW—Guthrie Broadcasting Co., Guthrie, Okla.—Construction permit to erect a new station to be operated on **1200 kc.**, 100 watts, share time with WBBZ. (Incomplete.)

NEW—Leo J. Blanchard, Fredericksburg, Tex.—Construction permit to erect a new station to be operated on **1120 kc.**, 250 watts, hours not clearly stated. (Incomplete.)

KMBB—Liner's Broadcasting Station, Inc.—Construction permit to make changes in equipment, increase power from 100 watts to 250 watts and change frequency from **1200 kc.** to **1240** or **970 kc.** (Rule 5, 6, 116, 117, and transmitter site.)

NEW—Joseph H. Hallock, Portland, Ore.—Construction permit to erect a new station to be operated on any local channel, 100 watts, daytime. (Rule 5.)

The National Association of Broadcasters

NATIONAL PRESS BUILDING ★ ★ ★ ★ ★ WASHINGTON, D. C.

PHILIP G. LOUCKS, Managing Director

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BROADCAST ADVERTISING IN MAY

Gross sales of time over broadcasting stations and networks during May amounted to $6,922,395.00, a gain of 3.8% over the April level and closely approximating the March high point. Seasonal trends were in part offset by a cyclical upswing in various parts of the industry. National network declines were less than the usual amount to be expected at this time of the year. Individual stations revenues increased 9.7% partly due to seasonal and partly to cyclical reasons. Local station advertising rose 21.3%.

All sections of the country experienced gains in volume of non-network business, the heaviest increases occurring in the east and middle west. Stations in the 5,000 watt and over class experienced an 11.7% increase in revenues, all other stations gaining except those in the 100 watt class. Elctrical transcription volume dropped 15.9% due to national spot declines, while live talent volume rose 25.3%, marked gains occurring in both the national spot and local fields. This trend seems to indicate that the truly national users of spot broadcasting, who most consistently employ electrical transcriptions, are beginning to withdraw for the summer season.

Marked gains were experienced in a number of fields of sponsorship. Heaviest gains included a 23.1% rise in beverage advertising, an 18.8% increase in department and general store advertising, and marked rises in the automotive, accessory, soap and household supply and amusement fields. The automotive rise was due to a 60.7% in national spot business in this field. Amusement advertising, almost exclusively local, rose 66.4% as compared with April.

Trend in General Radio Advertising

The trend in general radio advertising is found in Table I:

TABLE I

TOTAL BROADCAST ADVERTISING VOLUME

Class of Business	*April*	*1934 Gross Receipts May*	*Cumulative Jan.-May*
National networks...	$3,739,719.00	$3,728,481.00	$18,833,357.00
Regional networks...	61,888.00	44,559.00	281,473.00
Individual stations...	2,868,350.00	3,149,090.00	13,626,026.00
Total	$6,669,957.00	$6,922,395.00	$32,740,856.00

Seasonal tendencies are in evidence in the above table, though they are partly offset by a general seasonal upswing. The national network decline is considerably less than normal for May. On the other hand the 9.7% increase in individual station non-network revenue is probably considerably more than normal, station revenue seemingly tending to rise during May due to seasonal reasons. The individual station rise has been due to a 21.3% increase in local radio advertising sponsorship as compared with April. Regional network volume decrease approximately 28% due mainly to seasonal forces. National network volume during May is especially encouraging, being 2.6% ahead of May 1932, and 64.0% higher than May 1933.

Comparison with Other Media

A comparison of the relative volume of broadcast advertising with that of other media is found in Table II.

TABLE II

ADVERTISING VOLUME BY MAJOR MEDIA

Advertising Media	*April*	*1934 Gross Receipts May*	*Cumulative Jan.-May*
Radio Broadcasting..	$6,669,957.00	$6,922,395.00	$32,740,856.00
National Magazines[1].	12,009,933.00†	11,935,736.00	49,641,041.00
National farm papers	593,059.00	558,222.00	2,408,871.00
Newspapers[2]	44,501,000.00	46,452,000.00	199,696,250.00
Total	$63,773,949.00	$65,868,088.00	$284,487,018.00

[1] National magazine totals are for 108 periodicals, prepared by Publishers' Information Bureau, Inc., from which source national farm papers and networks are also taken.

[2] Estimated.

†Corrected for late editions.

National magazine volume decreased slightly less than 1% as compared with April, contrary to the usual seasonal trend. Monthly magazine volume was approximately 25% greater than for May 1933, while weekly magazine volume was 48% ahead of the same month of the preceding year. Farm paper advertising declined 5.9% as compared with April, due to seasonal factors, though showing a gain of 80.0% over May 1933. Newspaper advertising revenue rose 4.7% during the month, following the normal seasonal trend in that field.

Non-Network Advertising by Power of Station

With the exception of the 100 watt class, wherein slight declines occurred as compared with April, a general gain in non-network revenue was experienced by all classes of stations. Stations in the 5000 watt and over class showed an increase of 11.7% in non-network revenues as compared with the preceding month. Stations in the 2,500-5,000 watt class experienced a 9.6% increase in business, and those in the 250-1,000 watt class a 4.7% gain. The volume of non-network advertising placed over various classes of stations is found in Table III.

TABLE III

NON-NETWORK BROADCAST ADVERTISING BY POWER OF STATION

Power of Station	*April*	*1934 Gross Receipts May*	*Cumulative Jan.-May*
Over 5,000 watts....	$1,073,740.00	$1,299,640.00	$5,374,743.00
2,500-5,000 watts ...	184,600.00	202,410.00	979,095.00
250-1,000 watts	1,185,780.00	1,234,240.00	5,492,572.00
100 watts and under..	424,230.00	412,800.00	1,779,616.00
Total	$2,868,350.00	$3,149,090.00	$13,626,026.00

Advertising by Geographical Districts

Gains in non-network business were experienced in all sections of the country. The heaviest increases occurred in the North Central Area, with a rise of 14.2% over April, and in the New England-Middle Atlantic Area, with a rise of 11.5% over the preceding month. The gains in other sections were relatively slight. Most sections of the country now stand close to the March high point, with the New England-Middle Atlantic Area showing marked gains over that period. The amount of non-network advertising placed over stations located in various sections of the country is found in Table IV.

TABLE IV

NON-NETWORK BROADCAST ADVERTISING BY GEOGRAPHICAL DISTRICTS

Geographical District	1934 Gross Receipts April	May	Cumulative Jan.-May
New England-Middle Atlantic Area	$1,025,090.00	$1,143,017.00	$4,408,715.00
South Atlantic-South Central Area	386,200.00	398,243.00	1,931,573.00
North Central Area	1,028,670.00	1,174,721.00	5,169,608.00
Pacific and Mountain Area	428,390.00	433,109.00	2,116,130.00
Total	$2,868,350.00	$3,149,090.00	$13,626,026.00

Spot and Local Advertising

The relative volume of spot and local non-network advertising is found in Table V.

TABLE V

COMPARISON OF NATIONAL SPOT AND LOCAL BROADCAST ADVERTISING

Class of Business	1934 Gross Receipts April	May	Cumulative Jan.-May
National Spot	$1,491,770.00	$1,479,126.00	$6,635,487.00
Local	1,376,580.00	1,669,964.00	6,990,539.00
Total	$2,868,350.00	$3,149,090.00	$13,626,026.00

National spot advertising volume declined approximately 1% as compared with the previous month. Local radio advertising rose 21.3% as compared with April. The relative steadiness of national spot volume is due in a large measure to an increase in advertising activity on the part of companies operating in relatively localized territories and therefore inclined to utilize live talent programs rather than electrical transcriptions. This is indicated by the marked decline to be noted in electrical transcription volume during the month (see Tables VI and VII).

Advertising by Type of Rendition

The trend with regard to electrical transcription, live talent, record broadcasts and spot announcements during the month is found in Tables VI and VII.

TABLE VI

NON-NETWORK BROADCAST ADVERTISING BY TYPE OF RENDITION

Type of Rendition	1934 Gross Receipts April	May	Cumulative Jan.-May
Electrical transcriptions	$868,580.00	$729,892.00	$3,372,726.00
Live talent programs	1,146,230.00	1,436,151.00	6,092,776.00
Records	47,910.00	46,661.00	221,270.00
Spot announcements	805,630.00	936,386.00	3,939,254.00
Total	$2,868,350.00	$3,149,090.00	$13,626,026.00

TABLE VII

COMPARISON OF LOCAL AND NATIONAL SPOT ADVERTISING BY TYPE OF RENDITION

(May 1934)

Type of Rendition	Gross Receipts for Month National spot	Local	Total
Electrical transcriptions	$580,788.00	$149,104.00	$729,892.00
Live talent programs	600,370.00	835,781.00	1,436,151.00
Records	1,310.00	45,351.00	46,661.00
Spot announcements	296,658.00	639,728.00	936,386.00
Total	$1,479,126.00	$1,669,964.00	$3,149,090.00

There was a marked decline during the month in electrical transcription volume which amounted to 15.9%. This was due almost exclusively to decreased national spot volume. Live talent volume, on the other hand, rose materially. General volume in this field increased 25.3% as compared with the previous month, while local live talent volume increased 37.0% There was little change in the record field. Spot announcement business rose 16.5% as compared with April, due principally to a rise in local sponsorship.

Participations

There was a marked increase of the volume of participations during May. Live talent programs of this type increased approximately 58% during the month. The volume of participations during the month is found in Table VIII.

TABLE VIII

PARTICIPATIONS OVER INDIVIDUAL STATIONS

Type of Rendition	1934 Gross Receipts April	May	Cumulative Jan.-May
Electrical transcriptions	$150.00	$154.00	$974.00
Live talent programs	105,330.00	166,148.00	604,968.00
Records	7,600.00	5,170.00	36,414.00
Total	$113,080.00	$171,472.00	$642,356.00

Radio Advertising Sponsors

There were marked increases in a variety of fields during the month. Automotive advertising volume rose 14.4%, due almost entirely to a rise of 60.7% in national spot volume. Evidently the automotive industry is applying special pressure in their most profitable markets. Accessory and gasoline advertising rose 13.2% as compared with April, increases occurring principally in the network and local fields. Department and general store advertising rose 18.8%. Beverage advertising rose 23.1%, principally in the national network and local fields. Soap and household supply volume increased 14.8% due mainly to a rise in network volume. Total retail advertising of all types increased 13.8% during the month. The only important decline was in the confectionery field where national network volume decreased 78.7%, due to seasonal factors.

The volume of broadcast advertising sponsored by various types of business is found in Tables IX and X.

The following trends are to be noticed in the aforementioned tables.

1a. *Amusements.* A marked gain has occurred in this field during the month, due to seasonal factors. Advertising volume was 66.4% greater in May than in April, the rise occurring entirely in the local field.

1. *Automobiles.* Advertising in this field rose 14.4% during the month. National network volume held even; national spot volume rose 60.7% and local advertising increased 23.2%.

2. *Accessories, gasoline and oil.* Accessory and gasoline advertising rose 13.2%, due principally to seasonal factors. National network volume increased approximately 10%, while individual station volume rose 23.6%, due almost entirely to local sponsorship.

3. *Clothing.* An increase of 5.1% occurred in this field, due again mainly to seasonal factors. National spot advertising rose approximately 60% in this field.

4. *Drugs and pharmaceuticals.* Advertising volume rose 5.0% in this field. The gain was fairly evenly distributed among national networks and individual stations, a slight decline having occurred in the regional network field.

5. *Toilet goods.* Toilet goods advertising rose 2.6% during the month. Individual station volume rose 4.0% with local sponsorship, principally beauty parlors, increasing approximately 10%.

6. *Foodstuffs.* Advertising in the food field declined 1.5% during the month, due mainly to a drop of 10.3% in national network volume. National spot advertising dropped 2.6%, though local sponsorship increases were sufficient to effect a 10.1% rise in non-network food advertising as compared with April.

7. *Beverages.* A gain of 23.1% occurred in this field. National network advertising rose 27.7% as compared with the previous month, regional volume showed no change, while non-network volume increased 12.5%, due principally a 29.8% in local advertising in this field.

TABLE IX

RADIO BROADCAST ADVERTISING VOLUME BY TYPE OF SPONSORING BUSINESS

(May 1934)

Type of Sponsoring Business	Gross Receipts for Month: National Networks	Regional Networks	Individual Stations	Total
1a. Amusements	—	—	$66,350.00	$66,350.00
1–2. Automobiles and Accessories:				
(1) Automobiles	$218,996.00	—	190,300.00	409,296.00
(2) Accessories, gas and oils	394,489.00	$16,192.00	256,460.00	667,141.00
3. Clothing and apparel	30,176.00	600.00	206,100.00	236,876.00
4–5. Drugs and toilet goods:				
(4) Drugs and pharmaceuticals	342,256.00	2,709.00	428,605.00	773,570.00
(5) Toilet goods	882,264.00	—	137,590.00	1,019,854.00
6–8. Food products:				
(6) Foodstuffs	651,637.00	8,128.00	597,470.00	1,257,235.00
(7) Beverages	378,949.00	9,739.00	146,375.00	536,063.00
(8) Confections	23,710.00	250.00	36,170.00	60,130.00
9–10. Household goods:				
(9) Household equipment and furnishings	50,196.00	848.00	236,980.00	288,024.00
(10) Soap and kitchen supplies	225,073.00	—	54,230.00	279,303.00
11. Insurance and financial	56,173.00	2,675.00	74,635.00	133,483.00
12. Radios	35,742.00	—	14,825.00	50,567.00
13. Retail establishments	—	—	139,370.00	139,370.00
14. Tobacco products	309,570.00	—	3,850.00	313,420.00
15. Miscellaneous	129,250.00	3,597.00	559,780.00	692,448.00
Total	$3,728,481.00	$44,559.00	$3,149,090.00	$6,922,395.00

TABLE X

NON-NETWORK ADVERTISING VOLUME BY TYPE OF SPONSORING BUSINESS

(May 1934)

Type of Sponsoring Business	Gross Receipts for Month: National Spot	Local	Total
1a. Amusements	$5,775.00	$60,575.00	$66,350.00
1–2. Automobiles and Accessories:			
(1) Automobiles	133,950.00	56,350.00	190,300.00
(2) Accessories, gas and oils	146,695.00	109,765.00	256,460.00
3. Clothing and apparel	37,770.00	168,330.00	206,100.00
4–5. Drugs and toilet goods:			
(4) Drugs and pharmaceuticals	311,545.00	116,060.00	427,605.00
(5) Toilet goods	102,140.00	35,450.00	137,590.00
6–8. Food products:			
(6) Foodstuffs	340,280.00	257,190.00	597,470.00
(7) Beverages	58,390.00	87,985.00	146,375.00
(8) Confections	30,200.00	5,970.00	36,170.00
9–10. Household goods:			
(9) Household equipment and furnishings	73,340.00	163,640.00	236,980.00
(10) Soap and kitchen supplies	45,140.00	9,090.00	54,230.00
11. Insurance and financial	22,380.00	52,255.00	74,635.00
12. Radios	7,935.00	6,890.00	14,825.00
13. Retail establishments	4,500.00	134,870.00	139,370.00
14. Tobacco products	1,406.00	3,444.00	4,850.00
15. Miscellaneous	157,680.00	402,100.00	559,780.00
Total	$1,479,126.00	$1,669,964.00	$3,149,090.00

8. *Confectionery.* A marked drop occurred in this field due to a 78.7% decrease in national network volume. Seasonal factors were responsible.

9. *Household equipment and appliances.* Advertising by the household equipment field rose 14.3% during the month, due almost entirely to increased non-network volume. National spot volume rose 20.0% and local business 18.0%.

10. *Soap and kitchen supplies.* An increase of 14.8% occurred in this field of sponsorship, national network advertising being responsible in the main. There was a slight increase in national spot volume.

11. *Insurance and financial.* There was no change of importance in this field, slight losses in the national network field being offset by increases in the individual station field.

12. *Radio.* Radio advertising volume declined approximately 10%, national network advertising decreasing 20.5%.

13. *Department store and general stores.* Advertising of this type rose 18.8% as compared with April. General retail advertising of all types increased to a somewhat lesser degree.

14. *Tobacco products.* A decline of 3.2% was experienced in this field, due to decreased national network volume.

15. *Miscellaneous.* Miscellaneous sponsorship of radio advertising decreased 5.5% over the month, due mainly to a 42.0% decline in the national spot field.

Retail Advertising

Retail advertising of all types increased 13.8% during the month. Among the more important gains were the 130% increase in drug store advertising, the doubling of confectionery advertising, a 41.0% increase in the hardware field and a similar increase in the household equipment field. Slight gains were experienced by the automobile accessory, clothing and restaurant fields. Grocery store, beauty shop and furniture store advertising held even. Automobile agency and used car advertising declined approximately 20%. Beverage retailers and radio stores also cut their radio advertising. Miscellaneous sponsorship among retail stores rose approximately 48%. The volume of retail advertising during May is found in Table XI.

TABLE XI

RETAIL ADVERTISING OVER INDIVIDUAL STATIONS

(May 1934)

Type of Sponsoring Business	*Gross Receipts for Month*
Automobiles and accessories:	
Automobile agencies and used car dealers	$39,400.00
Gasoline stations, garages, etc.	52,100.00
Clothing and apparel shops	148,300.00
Drugs and toilet goods:	
Drug stores	27,850.00
Beauty parlors	3,965.00
Food products:	
Grocery stores, meat markets, etc.	64,250.00
Restaurants and eating places[1]	22,510.00
Beverage retailers	1,130.00
Confectionery stores, etc.	4,580.00
Household goods:	
Household equipment retailers[2]	68,160.00
Furniture stores	56,385.00
Hardware stores	24,080.00
Radio retailers	6,800.00
Department and general stores	139,370.00
Tobacco shops	1,280.00
Miscellaneous	66,690.00
Total	$726,850.00

[1]Exclusive of hotels.

[2] Such as electric refrigerators, oil burners, sweepers, furnaces and the like.

General Business Conditions

The general trend of business during the month has been comparatively steady, with some minor recessions. The New York Times Index of business activity was 85.5 on June 23 as compared with 84.9 on May 26. Automotive production declined from 332,000 units in May to approximately 300,000 units in June. Steel ingot production during the week of June 30 was 60.5% of the 1923–25 average as compared with 76.3% on May 26. Uncertainty as to materials on hand on the part of users, and some breaks in prices further increased the uncertainty in this field The electric power output index, however, rose from 99.5 on May 26 to 100.5 on June 23.

Prices have remained comparatively steady during the month, following slight recessions in numerous fields. During the week of May 19, building costs were 8.8% below 1929, farm prices were 43% below those of that year, furnishing, fuel and lighting costs 12%, food 35% and general retail prices 25% below 1929. May retail sales were slightly less than expected. Cotton textile production was down due to the 12 week curtailment operation. The wheat shortage is another disturbing element in the business situation. Business developments during the next few months should be watched with considerable care, since the situation at the present moment, in spite of some basic improvement during past months, is still highly uncertain.

The National Association of Broadcasters

NATIONAL PRESS BUILDING ★ ★ ★ ★ ★ WASHINGTON, D. C.

PHILIP G. LOUCKS, Managing Director

NAB REPORTS

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JULY 25, 1934

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FCC TELEPHONE DIVISION ORGANIZES

The Telephone Division of the Federal Communications Commission held its first meeting Friday, July 20. The Division, which comprises Commissioners Walker (chairman), Case and Sykes, issued its first order to the telephone carriers subject to the Communications Act of 1934, calling for the filing on or before September 1, 1934, of certain data on interstate and foreign telephone rates.

Order No. 2, issued on the same day, called for the filing of certified copies of agreements, contracts or arrangements for handling of traffic by telephone companies subject to the provisions of the Act.

Order No. 3 called for information in interlocking directorates and stock ownership of the various telephone companies doing interstate or foreign business.

It is understood that the investigation will include an inquiry into rates charged for program circuit facilities furnished to broadcasting stations.

SECURITIES ACT REGISTRATION

The following companies filed registration statements with the Federal Trade Commission under the Securities Act:

Trustees of Shattuck Properties Corporation, San Francisco, Calif. (2-1000, Form F-1)

C. H. Graves & Sons Distillers, Inc., Boston, Mass. (2-1001, Form A-1)

Willet Oil Company, Atascadero, Calif. (2-1002, Form A-1)

Big Wedge Gold Mining Company, Los Angeles, Calif. (2-1003, Form A-1)

B. D. Buckley, St. Louis, Mo. (2-1004, Form A-1)

Bonnie Dee Garment Company, Inc., Quanah, Tex. (2-1005, Form A-1)

Van Dorn Iron Works Company, Cleveland, Ohio. (2-1006, Form D-1)

Van Dorn Iron Works Company, Cleveland, Ohio. (2-1007, Form D-2)

Bankers Industrial Service, Inc., Wilmington, Del. (2-1008, Form A-1)

Winand-Pikesville Distillery Co., Baltimore, Md. (2-1009, Form A-1)

United Wholesale Druggists, Inc., Boston, Mass. (2-990, Form A-1)

San Francisco Paramount Corporation, New York City. (2-991, Form D-2)

Dome Oil Company, Los Angeles, Calif. (2-992, Form A-1)

Haddam Distillers Corporation, Modus, Conn. (2-993, Form A-1)

Medico-Dental Investment Co., Stockton, Calif. (2-994, Form D-2)

Bondholders' Protective Committee, Tuckahoe Apts., Richmond, Va. (2-9933, Form D-1)

Western Limestone Products Company, Inc., Omaha, Nebr. (2-996, Form D-2)

Weston Massachusetts Companies, Boston, Mass. (2-997, Form A-1)

Union Liquidating Company, Inc., Baltimore, Md. (2-998, Form F-1)

Shattuck Properties Corporation, San Francisco, Calif. (2-999, Form D-2)

42,540,239 RECEIVING SETS IN USE

According to an estimate made by Lawrence D. Batson, Electrical Equipment Division, Department of Commerce, radio broadcast receiving sets in use throughout the world are apportioned among the various nations as follows:

United States	18,500,000
United Kingdom	6,124,000
Germany	5,424,755
Japan	1,739,160
France	1,554,295
Canada	1,100,000
Spain	700,000
Czechoslovakia	620,000
Argentina	600,000
Russia	600,000
Denmark	551,681
Austria	507,459
Australia	500,341

Approximately 4,000,000 sets are divided among the remaining nations.

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

Thursday, July 26, 1934

WWSW—Walker & Downing Radio Corp., Pittsburgh, Pa.—Facilities requested: **890 kc.**, 250 watts, 500 watts LS, unlimited time. Present assignment: 100 watts, 250 watts LS, **1500 kc.**, unlimited time.

WMMN—A. M. Rowe, Inc., Fairmont, W. Va.—Renewal of license: **890 kc.**, 250 watts, 500 watts LS, unlimited time.

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SEPTEMBER 16, 17, 18 AND 19, 1934

WEBR—Howell Broadcasting Co., Buffalo, N. Y.—Facilities requested: **630 kc.**, 500 watts, unlimited time. Present assignment: **1310 kc.**, 100 watts, 250 watts LS, unlimited time.

WBRE—Louis G. Baltimore, Wilkes-Barre, Pa.—Renewal of license: **1310 kc.**, 100 watts, unlimited time.

APPLICATIONS GRANTED

WLBL—State of Wisconsin, Department of Agriculture and Markets, Stevens Point, Wis.—Granted modification of license to change hours of operation from 6 a. m. to LS to 8 a. m. to LS.

KGNF—Great Plains Broadcasting Co., N. Platte, Nebr.—Granted authority to install automatic frequency control equipment.

KSD—The Pulitzer Publishing Co., St. Louis, Mo.—Granted authority to determine operating power by direct measurement of antenna.

NEW—Westinghouse Electric and Manufacturing Co., Pittsburgh, Pa.—Granted C. P. and license (spec. exp.), **60000 kc.**, 150 watts.

SPECIAL AUTHORIZATIONS

WSMK—Stanley M. Krohn, Jr., Dayton, Ohio—Granted extension of special temporary experimental authority to operate simultaneously with KQV from 7:30 p. m. to 12 midnight, EST, for period August 1 to 31, 1934.

KQV—KQV Broadcasting Co., Pittsburgh, Pa.—Granted extension of special experimental authority to operate simultaneously with WSMK from 7:30 p. m. to 12 midnight, EST, for period August 1 to 31, 1934.

KGGF—Hugh J. Powell and Stanley Plats, d/b as Powell & Platz, Coffeyville, Kans.—Granted extension of special temporary authority to operate Tuesdays and Thursdays from 7:15 to 9:15 p. m.; Wednesdays from 8:15 to 9:15 p. m., CST, for period August 8 to September 7, 1934, provided WHAD remains silent.

WPFB—Otis P. Eure, Hattiesburg, Miss.—Granted special temporary authority to operate from 2:30 to 6 p. m., CST, July 25.

KGKB—East Texas Broadcasting Co., Tyler, Tex.—Granted extension of special temporary authority to operate from 8 to 10 a. m., 12 noon to 1 p. m., and 5 to 8:30 p. m., CST, instead of 8 to 10 a. m., 12 noon to 2 p. m., 5 to 6 p. m., and 7:30 to 9 p. m., CST, as scheduled, for period August 10 to October 9, 1934.

KTBS—Tri-State Broadcasting System, Inc., Shreveport, La.—Granted special temporary authority to conduct field intensity survey tests, using 100-watt portable transmitter, between 12 midnight and 6 a. m., EST, from August 1 to September 1, provided, however, that station remains silent from 4:30 to 4:30 a. m., EST, August 3, due to Commission monitoring schedule.

WJAR—The Outlet Co., Providence, R. I.—Granted special temporary authority to conduct field intensity survey tests, using 50-watt portable transmitter, between 12 midnight and 6 a. m., EST, during month of August, 1934.

WMBH—Joplin Broadcasting Co., Joplin, Mo.—Granted special temporary authority to operate from 9:30 to 11 p. m., CST, July 25, 26, and 27. Also to operate from 2:30 to 7:30 p. m., CST, August 5 and 12, and from 9:30 to 10:30 p. m. or later, CST, on August 3, 4, 5, 9, 10, 11, 12, 13, 14, 21, 22, 23, 30, and 31. Also to operate from 10 to 10:50 a. m., CST, on August 5, 12, 19, and 26, and from 2:30 to 3:30 p. m., CST, August 19 and 26.

WEW—St. Louis University, St. Louis, Mo.—Granted special temporary authority to discontinue operation, with exception of broadcasting all government reports, for period August 1 to September 1, 1934.

WLVA—Lynchburg Broadcasting Corp., Lynchburg, Va.—To operate station without approved frequency monitor for period August 1 to September 1.

WLS—Agricultural Broadcasting Co., Chicago, Ill.—Granted special temporary authority to make field strength measurements of former transmitter site of WLS at Crete, Ill., using 100-watt portable transmitter, between 12 midnight and 6 a. m., CST, for period of three weeks from July 24.

RENEWAL OF LICENSES

WIBG—WIBG, Inc., Glenside, Pa.—Present license extended for 1 month from August 1, on temporary basis, subject to such action as may be taken on application for renewal pending before it.

WNAX—The House of Gurney, Inc., Yankton, S. Dak.—Granted renewal of license for auxiliary transmitter for term ending September 1, 1934.

KSOO—Sioux Falls Broadcasting Association, Inc., Sioux Falls, S. Dak.—Granted special temporary authority to continue operating daily until 6:30 p. m., CST, and on Sunday nights beginning at 9:30 p. m. with reduction of power to 1 KW. for period August 1, 1934, to February 1, 1935.

KGDM—E. F. Peffer, Stockton, Calif.—Granted special temporary authority to operate on present frequency and power from midnight until 6 a. m., PST, for period ending February 1, 1935.

KEKH—International Broadcasting Corp., Shreveport, La.—Granted renewal of license on temporary basis, subject to such action as may be taken on application for renewal, which has been set for hearing, and upon the application of Ark-La-Tex Radio Corp. involving the facilities of this station.

WWVA—West Virginia Broadcasting Corp., Wheeling, W. Va.—Granted renewal of license on temporary basis for auxiliary transmitter, subject to such action as may be taken upon renewal application now pending before it.

SET FOR HEARING

WNAC—Shepard Broadcasting Service, Inc., Boston, Mass.—Modification of license to change frequency from **1230 kc.** to **830 kc.** (facilities of WHDH).

WACO—Central Texas Broadcasting Co., Inc., Waco, Tex.—Modification of license to change hours of operation from specified to unlimited.

RATIFICATIONS

KLRA—Arkansas Broadcasting Co., Little Rock, Ark.—Granted 30-day extension of program tests period, pending action on license application.

KPCB—Queen City Broadcasting Co., Seattle, Wash.—Granted extension of special temporary authority to operate station without approved frequency monitor for period beginning July 16 to August 1.

WNER—Associated Radiocasting Corp., Columbus, Ohio—Granted extension of authority to operate broadcast pickup station from July 20 to 30, 1934; **2060 kc.**, 100 watts.

WTBO—Associated Broadcasting Corp., Cumberland, Md.—Granted special temporary authority to operate station without approved frequency monitor for a period not to exceed 15 days.

WRVA—Larus & Bro. Co., Inc., Richmond, Va.—Granted special temporary authority to determine operating power employing temporary anmeter, pending repair of original anmeter, for period of 15 days.

KFNF—Henry Field Co., Shenandoah, Iowa—Granted extension of special temporary authority to use time assigned to but not used by stations WILL and KUSD, for period July 20 and ending August 20.

WKOK—Sunbury Broadcasting Corp., Sunbury, Pa.—Granted special temporary authority to operate station without approved frequency monitor for period of 10 days.

KWLC—Luther College, Decorah, Iowa—Granted modification of special temporary authority to remain silent for period beginning July 18 and ending August 18, and to reduce hours of operation to 2 hours daily, for period beginning August 19 to September 10.

MISCELLANEOUS

KTSA—Southwest Broadcasting Co., Inc., San Antonio, Tex.—Granted permission to continue operating on **550 kc.** with 1 KW night, 250 watts day, until 3 a. m., August 8, 1934, to provide time to secure crystals for former frequency, **1290 kc.**

WBRE—Louis G. Baltimore, Wilkes-Barre, Pa.—Granted petition to hold hearing scheduled for August 2, before Broadcast Division.

NEW—Abraham Shapiro, Astoria, Ore.—Granted petition to re-refer to Examiner application for C. P. for broadcast station to operate on **1370 kc.**, 100 watts, unlimited time.

WHBY—WHBY, Inc., Green Bay, Wis.—Denied petition seeking suspension of order of Federal Radio Commission entered June 29, 1934, denying application for C. P. to change frequency from **1200 kc.** to **1360 kc.**, and change power from 100 watts to 1 KW, unlimited time.

KGBX—KGBX, Inc., Springfield, Mo.—Suspended grant to change frequency from **1310 kc.** to **1230 kc.**, and increase in power from 100 watts to 500 watts, because of protest of WFBM, Indianapolis. Application for changes set for hearing.

WORK—York Broadcasting Co., York, Pa.—Suspended grant made by Federal Radio Commission to make changes in equipment, change frequency from **1000 kc.** to **1320 kc.**, and increase time to unlimited, because of protest filed by Station WADC, Akron, Ohio. Application set for hearing.

WICC—Bridgeport Broadcasting Co., Bridgeport, Conn.—Suspended grant to increase power from 250 watts night, 500 watts LS, to 1 KW LS, because of protest of WCAO, Baltimore, and application set for hearing.

ACTION ON EXAMINER'S REPORTS

NEW—Ex. Rep. No. 561: E. L. Landsberg and K. V. Martin, Las Vegas, Nev.—Denied C. P. for new station to operate on **1420 kc.**, 100 watts, unlimited time, sustaining Examiner R. L. Walker.

KGIX—J. M. Heaton, Las Vegas, Nev.—Granted renewal of license to operate on **1420 kc.**, 100 watts, specified hours. Examiner Walker sustained.

NEW—Ex. Rep. No. 563: Frank Wilburn, Prescott, Ariz.—Denied C. P. for new station to operate on **1500 kc.**, 100 watts, unlimited time (facilities of KPJM), sustaining Examiner Walker.

KPJM—M. B. Scott and Edward C. Sturm, d/b as Scott & Sturm, Prescott, Ariz.—Granted renewal of license; **1500 kc.**, 100 watts, unlimited time. Examiner Walker sustained.

APPLICATIONS RECEIVED

First Zone

NEW—Adirondack Broadcasting Co., Inc. (Portable-Mobile)—Construction permit for new general experimental station, **31100, 34600, 37600,** and **40600 kc.**, power of 5 watts.

NEW—James D. Scannell, Lewiston, Maine—Construction permit for new broadcast station to be operated on **1210 kc.**, 100 watts, unlimited time.

WBZA—Westinghouse Electric and Manufacturing Co., Boston, Mass.—Special experimental authorization to operate simultaneously with WBZ during daytime up to one hour before sunset.

WJAR—The Outlet Company, Providence, R. I.—Modification of license to increase power from 250 watts night (S. A. additional 250 watts), 500 watts day, to 1 KW night and day.

Second Zone

WKBZ—Karl L. Ashbacker, Ludington, Mich.—Modification of construction permit to move station to Muskegon, Mich, requesting extension of commencement date to 8-8-34 amended to request move of transmitter and studio to Occidental Hotel, Muskegon, Mich.

WLW—The Crosley Radio Corp., Cincinnati, Ohio—Extension of special experimental authorization to use 500 KW power for period 8-1-34 to 2-1-35.

WHDF—The Upper Michigan Broadcasting Co., Calumet, Mich.—Construction permit to move transmitter from Calumet, Mich., to Laurium, Mich., and make changes in equipment.

Third Zone

WEED—Wm. Avera Wynne, Rocky Mount, N. C.—Modification of license to change hours of operation from daytime to unlimited, with power of 100 watts.

WPTF—WPTF Radio Co., Raleigh, N. C.—Modification of construction permit authorizing move, increase in power, and installation of new equipment, requesting an extension of completion date to 10-17-34.

NEW—Clinton Broadcasting Corp., Clinton, S. C.—Construction permit to erect a new broadcast station to be operated on **1120 kc.**, 500 watts, daytime.

Fourth Zone

KMBC—Midland Broadcasting Co., Kansas City, Mo.—License to cover construction permit granted 6-29-34 authorizing installation of new equipment and increase in daytime power from 1 KW to 2½ KW.

NEW—Purdue University (Portable)—Construction permit to erect a new special experimental station, **890 kc.** and 50 watts power.

WDZ—James L. Bush, Tuscola, Ill.—Construction permit to make changes in equipment and increase power from 100 watts to 250 watts, daytime.

WTAX—WTAX, Inc., Springfield, Ill.—License to cover construction permit authorizing local move of transmitter and studio.

Fifth Zone

KGDM—E. F. Peffer, Stockton, Calif.—Construction permit to move transmitter and studio, install new equipment, increase power from 250 watts to 1 KW and hours of operation from daytime to unlimited.

NEW—W. L. Gleason, Alameda, Calif.—Construction permit to erect a new broadcast station to be operated on **1500 kc.**, 100 watts, unlimited time.

KFJI—KFJI Broadcasters, Inc., Klamath Falls, Ore.—Construction permit to make changes in equipment.

KIEV—Cannon System, Ltd., Glendale, Calif.—Modification of construction permit authorizing changes in equipment and increase in power, requesting further changes in equipment and extension of commencement and completion dates.

APPLICATIONS RETURNED

WBNS—WBNS, Inc., Columbus, Ohio—License to cover construction permit for move. (Executed prior to commencement of equipment tests.)

WIBM—WIBM, Inc., Jackson, Mich.—Construction permit to make changes in equipment and increase daytime power from 100 watts to 250 watts. (Jurat incomplete.)

WEED—Wm. Avera Wynne, Rocky Mount, N. C.—Construction permit to increase hours of operation from daytime to unlimited. (Wrong form.)

WCAZ—Superior Broadcasting Service, Inc., Carthage, Ill.—Construction permit to make changes in equipment and increase in power from 100 watts to 250 watts (contingent on WDZ changing frequency from **1070 kc.** to **1020 kc.**). (Incomplete, and transmitter site.)

KWCR—Cedar Rapids Broadcast Co., Cedar Rapids, Iowa—License to cover construction permit for **1430 kc.**, 250 watts. (Request of applicant.)

The National Association of Broadcasters

NATIONAL PRESS BUILDING ★ ★ ★ ★ ★ WASHINGTON, D. C.

PHILIP G. LOUCKS, Managing Director

NAB REPORTS

★ ★ ★ ★

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BROADCAST HEARINGS OCTOBER 1

The Broadcast Division of the Federal Communications Commission on July 31 voted to commence a sweeping study of all proposals to set aside fixed percentages of broadcasting facilities to non-profit organizations on October 1.

This action is in line with Section 307 (c) of the Federal Communications Commission Act of 1934 which reads as follows:

"The Commission shall study the proposal that Congress by statute allocate fixed percentages of radio broadcasting facilities to particular types or kinds of non-profit radio programs or to persons identified with particular types or kinds of non-profit activities, and shall report to Congress, not later than February 1, 1935, its recommendations together with the reasons for same."

The order of the Commission provides:

"That any person or licensee (of a radio broadcast station) desiring to submit information to the Commission concerning any matter referred to in said section may do so by appearing in person or by attorney at a hearing to be held at the offices of the Federal Communications Commission beginning at 10 a. m. on October 1st, 1934, and continuing from day to day until completed. Written notice of intention to appear at said hearing should be furnished the Commission not later than September 20, 1934."

This action initiates the most important survey of the American system of broadcasting yet undertaken. It opens the door to every person and group of persons who have from time to time opposed commercial broadcasting and gives them an opportunity to make public record of their objections.

Upon the report made by the Commission, Congress in the next session undoubtedly will formulate a permanent policy with respect to the licensing of broadcast stations.

The National Association of Broadcasters will act as the coordinating agency through which the broadcasters will present their side of the case. But every station, large and small, network and non-network, must cooperate closely with the Association in assembling the vast amount of data which must be presented.

The National Association of Broadcasters as a body is opposed to the parceling out of channels to special groups and will present facts to substantiate this position.

This important hearing, which may last from four to eight weeks, calls for prompt action on the part of the Association and the Association must have the unstinted support of every station interested in the perpetuation of the American system of broadcasting. To collect the vast amount of data necessary, to coordinate the presentation of this data, and to meet the challenge which is thrown out to all broadcasters by this hearing, will require much time and effort. Most of all it will demand the closest cooperation from each and every broadcaster who is interested in a fair and adequate presentation of the broadcasters' case.

MAY DISCONTINUE SENDING SCRIPTS

The Federal Trade Commission on July 25 approved a letter to broadcast stations as follows:

"You may discontinue sending copies of commercial continuities upon receipt of this notice.

"We have sufficient to serve our present needs, but will ask you later, and from time to time thereafter, to send such continuities for short periods.

"We thank you for your splendid cooperation, and hope our efforts to purge radio advertising of false and misleading statements, claims, and representations will be a helpful service to you as well as protection for the buying public."

Nearly 100,000 continuities have been received by the Commission since the first request went out. E. J. Adams, chairman of the Special Board of Investigation, has expressed his appreciation for the splendid cooperation extended to the Commission in this work, and of the 112 stations which did not respond to the Commission's request only a handful were NAB members. The stations failing to respond are being listed and will receive an additional request for continuities or, perhaps, will be monitored.

In its effort to stop false and misleading advertising by radio the Federal Trade Commission is being given the staunch support of the Federal Communications Commission and there is a probability that delinquent stations will be reported to the Communications Commission by the Trade Commission.

In order that future requests can be complied with, it is suggested that stations keep extra carbon copies of all continuities. A system of staggering requests in the future is now being worked out.

The Special Board is carefully scrutinizing the continuities sent in and already a dozen advertisers have been summoned to informal hearings before the Board. No publicity is given to these cases unless there is a disagreement and a formal complaint issued. In that event the advertiser is given an opportunity to appear at a public hearing and present his facts and arguments.

The procedure followed is identical with that pursued with respect to newspaper and magazine advertising.

CONVENTION COMMITTEE APPOINTED

Appointment of a Convention Committee in connection with the twelfth annual meeting of the NAB to be held at the Netherland-Plaza Hotel, Cincinnati, Ohio, September 16, 17, 18 and 19 was announced this week by Ed. Spence, general chairman:

E. A. Hanover, Radio Station WHAM, Rochester, New York.
Edgar H. Twamley, Radio Station WBEN, Buffalo, New York.
LeRoy Mark, Radio Station WOL, Washington, D. C.
C. T. Lucy, Radio Station WRVA, Richmond, Virginia.
Warren P. Williamson, Jr., Radio Station WKBN, Youngstown, Ohio.
Roy F. Thompson, Radio Station WFBG, Altoona, Pennsylvania.

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E. K. Cargill, Radio Station WMAZ, Macon, Georgia.
Hugh A. L. Halff, Radio Station WOAI, San Antonio, Texas.
George T. Bishop, Radio Station WAML, Laurel, Mississippi.
Glen Snyder, Radio Station WLS, Chicago, Illinois.
D. E. Kendrick, Radio Station WKBF, Indianapolis, Indiana.
Rev. James A. Wagner, Radio Station WHBY, Green Bay, Wisconsin.
Arthur F. Kales, Radio Station KECA, Los Angeles, California.
Philip G. Lasky, Radio Station KDYL, Salt Lake City, Utah.
Rogan Jones, Radio Station KVOS, Bellingham, Washington.

Plans for the convention are going forward and it is expected that a tentative program will be ready just as soon as speakers who have been invited respond to their invitations.

All indications are that there will be a record attendance at this year's meeting.

Railroads have granted the application of the NAB for reduced rates and a detailed announcement of this will go out shortly.

COMMISSIONERS NAME SECRETARIES

Col. Thad H. Brown, vice-chairman of the Broadcasting Division of the Federal Communications Commission, named Joseph H. Keller, of Dayton, Ohio, as his secretary, effective August 1, 1934. Mr. Keller has been a practicing attorney and newspaper man, and is a graduate of the University of Dayton.

Commissioner Hampson Gary, chairman of the Broadcasting Division, named T. L. Bartlett, of Washington, D. C., as his secretary, effective July 26, 1934. Mr. Bartlett has been engaged in the general practice of law in Washington during the past seven years.

MUSIC PUBLISHERS DEMAND CODE

Insistence of popular music publishers that the Code of Fair Competition for the Music Publishing Industry embrace music performing rights societies was interpreted in Washington to mean that music publishers are anticipating the dissolution or reorganization of the American Society of Composers, Authors and Publishers.

That all was not peace and harmony among music publishers became apparent also during the hearing before NRA Deputy Administrator John E. Williams when there was frequent disagreement between John G. Paine, chairman of the Board of Directors of the Music Publishers' Protective Association, and George Link, Jr., counsel for the Music Publishers' Association of the United States. Although the two groups, the first embracing the popular publishers, and the second the publishers of standard works, proposed the code jointly, differences between them developed throughout the discussion of the code provisions at the hearing.

Time and again Mr. Link, for the standard publishers, objected to his group being subject to the same code as the popular publishers. The standard publishers and the popular publishers disagreed on the labor provisions, the administrative provisions and the trade practice provisions.

Mr. Paine stated that if the NRA would approve the code as submitted, the Government could write its own wage and hour provisions. Later, in objecting to an amendment submitted by Oswald F. Schuette on behalf of the National Association and the Radio Program Foundation, which would curtail the monopolistic practices of the music publishers in the public performance field, Mr. Paine said that such amendment would take away from the publishers all of the privileges they would enjoy under the code.

There was conflicting testimony as to the number of music publishers in the United States. Mr. Link said there were about 60 standard publishers in the country of which 85 per cent, producing 85 per cent of standard published works, were affiliated with his organization. Mr. Paine said there were but 50 popular music publishers in the industry and that 25 of these did about 75 per cent of all of the popular music business in the United States. Later in the hearing, Emmanuel J. Rosenberg, who appeared for the Society of European Stage Authors and Composers, submitted the names and addresses of some 600 concerns who he said were engaged in the music publishing industry but not affiliated with the Paine organization.

Principal conflict revolved around the definition which would make all public performnace rights organizations subject to the code; the proposed plan of administration which would place complete domination in the Music Publishers Protective Association; and the anti-monopoly provision.

Appearing for the NAB, Mr. Schuette offered an amendment to Article VI of the proposed code striking out the provision that the Code Authority shall be elected by the Board of Directors of the Music Publishers Protective Association and substitute therefor the names of five members of the popular music publishing industry who shall be truly representative members of that industry, and not more than two of whom shall be members of the Music Publishers Protective Association.

Mr. Schuette pointed out "how the interlocking directors had been put together for the purpose of entrenching the monopoly of the publishers who organized on the one hand the Music Publishers Protective Association to exploit the mechanical reproduction rights, and on the other side the American Society of Composers, Authors and Publishers, which license the public performing rights.

"And we find," Mr. Schuette continued, "that the president of the Board of Directors of the Music Publishers Protecitve Association is Mr. Louis Bernstein. And Mr. Bernstein is a member of the Board of Directors of the American Society of Composers, Authors and Publishers.

Saul H. Bornstein of Irving Berlin, Inc., is vice-president and a director of the Music Publishers Protective Association and treasurer and a director of the American Society of Composers, Authors and Publishers.

Jerome Keit of Keit Music Company is secretary and a director of Music Publishers Protective Association and a director of the American Society of Composers, Authors and Publishers.

Robert Crawford of DeSylva, Brown & Henderson, is treasurer and a director of the Music Publishers Protective Association and assistant secretary and director of the American Society of Composers, Authors and Publishers.

Gustave Schirmer of G. Schirmer, Inc., is assistant treasurer and a director of Music Publishers Protective Association and a director of the American Society of Composers, Authors and Publishers.

E. F. Bitner of Leo Feist, Inc., is a director of the Music Publishers Protective Association and a director of the American Society of Composers, Authors and Publishers.

Walter Douglas of Donaldson, Douglas & Gumble is a director of MPPA and a director of ASCAP.

Walter Fischer of Carl Fischer, Inc., is a director of MPPA and a director of ASCAP.

Jack Mills of Mills Music, Inc., is a director of Music Publishers Association and a director of American Society of Composers, Authors and Publishers.

Ben Bornstein of Ager, Yeller and Bornstein and—

Edwin Morris of M. Witmark & Sons are the only MPPA directors who are not directors of ASCAP, and—

Max Dreyfus of the Harms-Warner group of Witmark, Harms, Remick, DeSylva, Brown & Henderson, Victoria Publishing Company and the New World Publishing Company,

George Fischer of J. Fischer & Bro., and—

Will von Tilzer of the von Tilzer Music Co., are the only ASCAP directors who are not directors of MPPA.

Now, this interlocking directorate I have read here for the purpose of showing our objections to this particular clause of the formation of the Code Authority, and we want to refer to it later when we come to the fair practice clauses in which this directorate is involved, and finally in the monopoly sections, because we feel that this code is written to entrench the monopoly which this small group of publishers, the formation of these two organizations, foisted upon the public to the destruction of their individual competitors, so far as we as consumers of music are concerned they compel us to accept contracts under which we are not able freely to do business with the independent competitor, who, so far as this picture is concerned, seems to have vanished now.

"We feel that they should write into this code provisions to prevent this group of members from compelling us by the power they have to make a contract, the effect of which is to prevent our dealing freely with other composers and other publishers," Mr. Schuette said. "But not because they say popular music is deteriorating sadly. Why? Because we have to play that. And if the audiences were free to pick the music, better music would be played. Why not open up the doors? Why not let the ten or twenty thousand composers in the country write music that can get on the air that can be heard. All the effort here is to keep somebody from going on the air with a great volume of the finest music written in the United States.

"In order to put that in words I would like to suggest the amendment of section 4 of Article VIII because section 8 seems to come nearest this particular difficulty. The amendment follows: 'Nor shall any member of the industry grant a license directly or indirectly or authorize the grant of a license for the public performance of copyyrighted works, under terms, conditions, or agreements, the effect of which is to deny to other copyright owners the equal opportunity to obtain the public performance of their works,

through the facilities of such talking machine company, radio broadcasting or television station, electrical transcription company, motion picture company, or place of public entertainment.'"

The amendment was objected to by both the standard and popular publishers.

Mr. Schuette objected to suspension of the anti-trust laws with respect to the music publishing business.

"I tried not to raise the legality of the set-ups under consideration but merely to discuss their unfairness," he said. "The legality has been questioned and while Mr. Paine thinks they have been vindicated, we have brought the matter up to the Federal Trade Commission and the Department of Justice and we understand investigations are now in progress. In addition to that, we have taken this case under those anti-trust laws to the federal courts. We certainly do not want to see a Code Authority set up by the directors of an organization that we are attacking, with authority to take actions complying with this code that would nullify these anti-trust laws and we feel there could be no objection to adding to this anti-monopoly section, this provision:

"'The immunity from the operation of the anti-trust laws, granted by Section 5 of the National Industrial Recovery Act, shall not be applicable to any practices of the Music Publishers Protective Association or the American Society of Composers, Authors and Publishers now under investigation by any governmental agency.'"

Objecting to inclusion of the amendment for the publishers, Mr. Paine said:

"You want to definitely set aside that provision of the NRA which is of benefit to us."

The hearing was adjourned until August 10.

NBC UPHELD IN COPYRIGHT SUIT

Judge Robert P. Patterson of the United States District Court for the Southern District of New York on July 20 handed down a decision in the copyright suit brought by Alfred Kreymborg against Jimmie Durante and the National Broadcasting Company dismissing the suit on the grounds that a poem, which was the subject of the litigation, does not come within the phrase "lecture, sermon, address or similar production" as used in the copyright law. The decision follows a previous ruling by the same court and was rendered after reargument on a motion to dismiss the complaint.

The text of the decision follows:

"On the original argument of the motion to dismiss, the plaintiff's contention was that his poems were dramatic compositions and that consequently he had the exclusive right, under subsection (d) of section 1 of the Copyright Act, 'to perform or represent the copyrighted work publicly if it be a drama.' I held that the poems were not dramas and that consequently the defendant Durante did not infringe the plaintiff's copyright by publicly reciting them. On reargument of the matter the plaintiff contends the poems are a 'similar production' to lectures, sermons or addresses, within the meaning of subsection (c). Under subsection (c) the author has the exclusive right:

> "'to deliver or authorize the delivery of the copyrighted work in public for profit if it be a lecture, sermon, address, or similar production.'

"The history of copyright in the United States shows that an ever-broadening protection against the unauthorized use of their works has been given to authors. The original act of May 31, 1790, gave to the author or proprietor nothing but the exclusive right to print, publish and vend. There was no prohibition against other uses by strangers until the Act of 1856, which added to the author's monopoly the sole right to act, perform or represent the work in public in the case of copyrighted dramatic compositions. The next substantial extension came with the Act of March 3, 1891, which added the right to dramatize and the right to translate. By the Act of January 6, 1897, the protection against public performance of dramatic compositions was extended to cover musical compositions as well.

"Thus the matter stood until enactment of the present Copyright Act of 1909. By section 1, the author or proprietor has the right, exclusive in each case: (a) to print, publish and vend the work, which is the same right he has had since 1790; (b) to translate, dramatize or make other enumerated versions or arrangements of the work, a right which has been his since 1891; (c) to deliver the work in public for profit in the case of "a lecture, sermon, address, or similar production,' which is an exclusive right not previously recognized; (d) to perform or represent the work publicly in the case of a drama, a right in existence since 1856; and (e) to perform the work publicly for profit in the case of a musical composition, a right first given in 1897. It will be seen that while the exclusive rights mentioned in the first two subsections apply to all copyrighted works, those in the last three subsections are confined to particular classes of works, to a 'lecture, sermon, address, or similar production,' a drama and a musical composition.

"I am of opinion that the plaintiff's poems are not a 'similar production,' as those words are used in the phrase 'lecture, sermon, address or similar production.' A lecture, a sermon and an address have this feature in common, that they are intended primarily for oral delivery to an audience. In its mention of a production similar to or like a lecture, sermon or address, Congress plainly meant a production likewise intended in the first instance for oral communication. A speech, argument, debate, interview, perhaps even an informal talk, would be a 'similar production.' There may be cases where a poem would be a 'lecture, sermon, address, or similar production.' If a poem were first spoken or rendered at a gathering, as in the case of some of Lowell's poems, it would be an address in poetry and if copyrighted would be secure against unauthorized delivery later on by others. But usually a poem nowadays is first made public in printed form, through book, magazine or newspaper, and is in form to be read in the first instance, though of course it may later be recited or rendered vocally. It is made evident by the bill in this case that the plaintiff's poems were first published in book form. They do not therefore correspond to or resemble a lecture, sermon or address.

"The adoption of the plaintiff's argument would broaden the scope of this subsection so as to comprehend almost every form of literary composition, instead of the narrower class of works specified by Congress. If changes in the Copyright Act are called for because of abuses which have sprung up since the enactment of the law of 1909, it is for Congress rather than the courts to make them.

"The motion for reargument is granted. On further consideration the court adheres to its view that the bill does not state a cause of action and should be dismissed. The plaintiff will have leave to serve an amended bill."

CANADIAN REALLOCATION SEPTEMBER 1

A wholesale reallocation of Canadian stations will become effective on September 1 according to an announcement made by the Canadian Radio Commission and reported in *Broadcasting*.

The following frequency changes were announced:

Maritimes

CFNB, Fredericton	1030 to 550
CHNS, Halifax	1050 to 930
CJCB, Sydney	880 to 1240
CHSJ, Saint John	1210 to 1120
CHGS, Summerside	1120 to 1500

Quebec

CRCQ, Quebec	930 to 1050
CRCS, Chicoutimi	1500 to 950

Ontario

CKLW, Windsor	840 to 1030
CKNC, Toronto	1030 to 1420
CRCT, Toronto	960 to 840

Western Provinces

CJOC, Lethbridge	840 to 1230
CFQC, Saskatoon	1230 to 840
CKY, Winnipeg	780 to 960

British Columbia

CJAT, Trail	1200 to 910
CKOV, Kelowna	1210 to 630
CFJC, Kamloops	1310 to 880

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

KBTM—W. J. Beard (Beard's Temple of Music), Jonesboro, Ark.—Granted modification of C. P. to extend completion date to October 1, 1934.

WSFA—Montgomery Broadcasting Co., Inc., Montgomery, Ala.—Granted authority to determine operating power by direct antenna measurement.

WDBO—Orlando Broadcasting Co., Inc., Orlando, Fla.—Granted special temporary authority to operate with additional power of 750 watts at night for a period ending 3 a. m., September 1.

WMBH—Joplin Broadcasting Co., Joplin, Mo.—Granted special temporary authority to operate from 9:30 p. m. to 12 midnight, CST, August 7.

WSUI—State University of Iowa, Iowa City, Iowa—Granted special temporary authority to operate from 10 p. m. to 12 midnight, CST, August 3.

RENEWAL OF LICENSES

The following stations were granted renewal of licenses on a temporary basis, subject to such action as the Commission may take on their pending applications for renewal:

WNYC, New York; WOWO, Fort Wayne, Ind.; WWL, New Orleans; and WWVA, Wheeling, W. Va.

WAIU—Associated Radiocasting Corp., Columbus, Ohio—Present license extended for a period of 3 months subject to such action as may be taken on renewal application.

WPEN—Wm. Penn Broadcasting Co., Philadelphia, Pa.—Present license extended for period of 3 months subject to such action as may be taken on renewal application.

WQDM—A. J. Regan and F. Arthur Bostwick, d/b as Regan & Bostwick, St. Albans, Vt.—Granted extension of license to September 1 on a temporary basis pending receipt and action on renewal application.

KMMJ—The M. M. Johnson Co., Clay Center, Nebr.—Granted special temporary authority to operate station from 5 to 6 a. m., CST, for period August 1 and until this period is required by Station WSB, but not later than February 1, 1935.

WJBY—Gadsden Broadcasting Co., Inc., Gadsden, Ala.—Granted special temporary authority to operate station for period of 10 days without approved frequency monitor.

WWL—Loyola University, New Orleans, La.—Granted extension of special temporary experimental authority to change hours of operation from specified to unlimited for term beginning on notification from the Commission to the effect that station KWKH has ceased operation on **850 kc.**, and subsequent to August 1, 1934, and ending in no event later than 3 a. m., EST, February 1, 1935, subject to the condition that WWL agrees to and will revert to station's former assignment—**850 kc.**, 10 KW power—at any time, without hearing, upon 10 days' notice to that effect by the Commission.

WORK—York Broadcasting Co., York, Pa.—Granted extension of special temporary experimental authority to make changes in equipment, using directional antenna; change frequency from **1000 kc.** to **1320 kc.**, and hours of operation from daytime to unlimited, for period August 1, 1934, to February 1, 1935. Protest of station WADC, Akron, Ohio, withdrawn.

NEW—WJMS, Inc. (Portable)—Granted C. P. (temporary broadcast pickup); **2790 kc.**, 75 watts.

NEW—Adirondack Broadcasting Co., Inc. (Portable-Mobile)—Granted C. P. (exp. gen. exp.), frequencies **31100, 34600, 37600, 40600 kc.**, 5 watts.

RATIFICATIONS

KIGA—National Battery Broadcasting Co., St. Paul, Minn.—Granted temporary authority to operate broadcast pickup station from July 23 and ending at conclusion of strike, but not exceeding 15 days; **1602** and **2102 kc.**, 7½ watts.

WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.—Granted temporary authority to remain silent for period of 24 hours pending repair of equipment.

WLVA—Lynchburg Broadcasting Corp., Lynchburg, Va.—Granted special temporary authority to continue operation on **1370 kc.**, sharing time with WBTM for period ending not later than September 1, from July 29.

WBTM—Piedmont Broadcasting Corp., Danville, Va.—Granted special temporary authority to continue operation on **1370 kc.**, sharing with WLVA for period ending September 1.

WGST—Georgia School of Technology, Atlanta, Ga.—Granted special temporary authority to reduce power during daytime to 500 watts, for period not to exceed 10 days, in order to make field intensity survey of present transmitter.

WJJD—WJJD, Inc., Chicago, Ill.—Granted special temporary authority to begin operation at 5 a. m., CST, for period beginning 3 a. m., August 1, and during that period of time when Daylight Saving Time applies but not later than February 1, 1935.

KPCB—Queen City Broadcasting Co., Seattle, Wash.—Granted extension of special temporary authority to operate station without approved frequency monitor for period August 1 to August 10.

KGZE—City of San Antonio and State of Texas—Granted temporary authority covering temporary operation of KGZE on **2506 kc.** for period of 30 days.

WPTF—WPTF Radio Co., Raleigh, N. C.—Granted extension of special temporary authority to use RCA Crystal Control as standby oscillator for present licensed W. E. Type transmitter for period August 1 to October 1.

WJAG—The Norfolk Daily News, Norfolk, Nebr.—Granted extension of special temporary authority to operate on **1060 kc.** with 1 KW for period ending February 1, 1935.

KWWJ—KWWJ Broadcast Co., Inc., Portland, Ore.—Granted special temporary authority to operate on **1040 kc.**, limited time, and resume operation from 9 p. m. to 2 a. m., PST, for period August 1 to February 1, 1935.

WESG—Cornell University, Elmira, N. Y.—Granted special temporary authority to operate on **1090 kc.** daily until sunset at Hot Springs, Ark., for period August 1 to February 1, 1935.

WTIC—The Travelers Broadcasting Service Corp., Hartford, Conn.—Granted extension of special temporary authority to operate simultaneously with KRLD, unlimited time, on **1040 kc.**, for period August 1 to February 1, 1935.

KRLD—KRLD Radio Corp., Dallas, Tex.—Granted extension of special temporary experimental authority to operate simultaneously with WTIC, unlimited time, for period August 1 to February 1, 1935.

WBAL—WBAL Broadcasting Co., Baltimore, Md.—Granted extension of special temporary experimental authority to operate simultaneously with KTHS on **1060 kc.** from 6 a. m. to sunset at Hot Springs, Ark.; to operate from sunset at Hot Springs, Ark., to 9 p. m., EST, on **1060 kc.**; and to operate synchronously with WJZ on **760 kc.**, with power of 2½ KW, from 9 p. m., EST, for period August 1 to February 1, 1935.

KTHS—Hot Springs Chamber of Commerce, Hot Springs, Ark.—Granted extension of special temporary experimental authority to operate simultaneously with WBAL from 6 a. m. to LS, CST; remain silent from LS to 8 p. m., CST; and to operate from 8 p. m. to 12 midnight, CST, on **1060 kc.**, for period August 1 to February 1, 1935.

NEW—School of Electrical Engineering, Cornell University, Ithaca, N. Y.—Granted temporary authority to construct and operate general experimental station on **40600 kc.**, power .5 watt.

NEW—WDAY, Inc., Fargo, N. Dak.—Granted temporary authority to construct and operate broadcast pickup station, **2102 kc.**, 5 watts, to be used July 29 to August 2.

NEW—Onondaga Radio Broadcasting Corp., Syracuse, N. Y.—Granted temporary authority to operate general experimental station for broadcast pickup; frequency **31100, 34600, 37600, 40600 kc.**, 5 watts.

WJZ—National Broadcasting Co., Inc., New York City—Granted extension of special temporary experimental authority to operate with additional 20 KW power for term August 1, 1934, to February 1, 1935.

WCOC—Mississippi Broadcasting Co., Inc., Meridian, Miss.—Granted special temporary authority to reduce hours of operation to specified as follows: 8 a. m. to 9:30 a. m., 11 a. m. to 2 p. m., and 6 p. m. to 9:45 p. m., CST, for period of 30 days.

WQBC—Delta Broadcasting Co., Inc., Vicksburg, Miss.—Granted special temporary authority to operate from 7 to 7:15 p. m., CST, during month of August.

KPCB—Queen City Broadcasting Co., Seattle, Wash.—Granted extension of special experimental authority to operate on **710 kc.**, 100 watts, unlimited time, for period August 1 to February 1, 1935.

WIEK-WIEL—Atlantic Broadcasting Corp., New York—Granted temporary authority to use broadcast pickup stations, **2190** and **1646 kc.**, 50 watts, July 30 to August 4.

MISCELLANEOUS

WBRE—Louis G. Baltimore, Wilkes-Barre, Pa.—Hearing set for August 2 cancelled and application for renewal of license granted. Alleged censoring of political speech adjusted to the satisfaction of complainant.

WSVA—Marion K. Gilliam, Staunton, Va.—Denied petition to strike from records the protest of KSD, St. Louis, against the grant of C. P. for new station to be located between Staunton and Harrisonburg, Va., to operate on **550 kc.** with 500 watts power. Authority granted suspended, and application set for hearing because of protests by KSD and WEHC.

WBNX—Standard Cahill Co., Inc., New York—Denied petition to remove renewal application from docket and denied petition to grant regular renewal license.

KFEQ—Scroggin & Co. Bank, St. Joseph, Mo.—Denied petition to strike its renewal application from the hearing docket and grant regular renewal license.

WAAT—Bremer Broadcasting Corp., Jersey City, N. J.—Denied petition of attorney requesting the Commission to amplify the hearing notices. Commission feels the issues are sufficiently clear as set forth in notices.

WKBN—WKBN Broadcasting Corp., Youngstown, Ohio—Application to change frequency from **570 kc.** to **610 kc.**, with 500 watts night, 1 KW LS, unlimited time, and installation of new equipment, to be heard by the Commission en banc on September 24.

WAIU—Associated Broadcasting Corp., Columbus, Ohio—Application to change frequency from **640 kc.** to **570 kc.**, with increase in power from 500 to 750 watts night, 1 KW LS, specified hours, to share with WOSU, Columbus, to be heard by the Commission en banc September 24.

WJAY—Cleveland Broadcasting Corp., Cleveland, Ohio—Application to shift from **610 kc.** to **640 kc.**, with an increase in power from 500 watts to 1 KW, and specified hours, to be heard before the Commission en banc September 24.

NEW—Portland Broadcasting System, Inc., Portland, Me.—Application for new station to operate on **640 kc.**, 500 watts, to be heard before the Commission en banc September 24.

WXYZ—Kunsky Trendle Broadcasting Co., Detroit, Mich.—Application for new station to operate on **640 kc.**, 10 KW, unlimited time, to be heard before the Commission en banc September 24.

WDBO—Orlando Broadcasting Co., Orlando, Fla.—Denied application as amended for increase of night power to 1 KW, and application set for hearing.

NEW—Clarion Broadcasting Co., Inc., Clarion, Pa.—Denied petition to reconsider action in overruling application for C. P. for new station to operate on **850 kc.**, with 250 watts. Application retained on hearing docket.

APPLICATIONS RECEIVED

First Zone

WEAN—Shepard Broadcasting Service, Inc., Providence, R. I.—Extension of special experimental authorization to operate with an additional 250-watt power night for period 9-1-34 to 3-1-35.

WMAL—National Broadcasting Co., Inc., Washington, D. C.—License to cover construction permit authorizing installation of new auxiliary equipment.

NEW—Brown Radio Service and Laboratory (Gordon P. Brown, Owner), Rochester, N. Y.—Construction permit to erect a new broadcast station to be operated on **1210 kc.**, 100 watts, unlimited time (part of facilities of WOCL).

WBAL—WBAL Broadcasting Co., Baltimore, Md.—Extension of special experimental authorization to operate on **1060 kc.** from 6 a. m. to local sunset at Hot Springs, Ark., unlimited to 9 p. m., EST, and synchronize with WJZ on **760 kc.**, 2½ KW, from 9 p. m., EST, for period 8-1-34 to 2-1-35.

WTIC—The Travelers Broadcasting Service Corp., Hartford, Conn.—Extension of special experimental authorization to operate unlimited time, simultaneously with KRLD, on **1040 kc.**, for the period 8-1-34 to 2-1-35.

WJZ—National Broadcasting Co., New York, N. Y.—Extension of special experimental authorization to use an additional 20 KW power for the period 8-1-34 to 2-1-35.

Second Zone

WEHC—Community Broadcasting Corp., Charlottesville, Va.—Construction permit to install new equipment, change frequency from **1350 kc.** to **1420 kc.**, power from 500 watts to 100 watts night, 250 watts daytime, and hours of operation from daytime to unlimited.

WBCM—James E. Davidson, Bay City, Mich.—Modification of license to increase power from 500 watts to 500 watts night, 1 KW daytime.

WPEN—Wm. Penn Broadcasting Co., Philadelphia, Pa.—License to cover construction permit authorizing erection of auxiliary transmitter.

WRAX—WRAX Broadcasting Co., Philadelphia, Pa.—License to cover construction permit authorizing erection of auxiliary transmitter.

WIBM—WIBM, Inc., Jackson, Mich.—Construction permit to install new equipment and increase power from 100 watts to 100 watts night, 250 watts daytime.

WIBG—WIBG, Inc., Glenside, Pa.—Modification of license to increase hours of operation from daytime to daytime until sunset at Chicago, Ill.

NEW—The Evening News Assn. (on aircraft)—Construction permit to erect a new broadcast pickup station to operate on **2150 kc.**, 50 watts.

Third Zone

WQBC—Delta Broadcasting Co., Vicksburg, Miss.—Modification of license to change hours of operation from specified to daytime.

KMLB—Liner's Broadcasting Station, Inc., Monroe, La.—Modification of construction permit authorizing changes in equipment to extend date of completion from 7-27-34 to 9-1-34.

WMBR—Florida Broadcasting Co., Jacksonville, Fla.—Construction permit to install new equipment and increase power from 100 watts to 100 watts night, 250 watts daytime.

NEW—Guthrie Broadcasting Co., Guthrie, Okla.—Construction permit to erect a new broadcast station to be operated on **1200 kc.**, 100 watts, sharing time with WBBZ (part of facilities of WBBZ).

KABC—Alamo Broadcasting Co., Inc., San Antonio, Tex.—Construction permit to install new equipment, change frequency from **1420 kc.** to **1310 kc.**, and increase power from 100 watts to 100 watts night, 250 watts daytime.

WWL—Loyola University, New Orleans, La.—Extension of special experimental authorization to operate unlimited time for period 8-1-34 to 2-1-35.

WROL—Stuart Broadcasting Corp., Knoxville, Tenn.—Special experimental authorization to make changes in equipment and change frequency from **1310 kc.** to **1050 kc.**, and increase power from 100 watts to 250 watts, amended to omit request for change in frequency and increase in night power.

WRDW—Musicove, Inc., Augusta, Ga.—Voluntary assignment of license to Augusta Broadcasting Co.

KRLD—KRLD Radio Corp., Dallas, Tex.—Extension of special experimental authorization to operate unlimited time, simultaneously with WTIC, for the period 8-1-34 to 2-1-35.

KTHS—Hot Springs Chamber of Commerce, Hot Springs, Ark.—Extension of special experimental authorization to operate on **1060 kc.**, simultaneously with WBAL, from 6 a. m. to local sunset, suspend operation from local sunset to 8 p. m., CST, and operate from 8 p. m., CST, to midnight for period 8-1-34 to 2-1-35.

Fourth Zone

WMT—Waterloo Broadcasting Co., Waterloo, Iowa—Extension of special experimental authorization to install new equipment and operate with power of 1 KW night and 2½ KW daytime for the period 9-1-34 to 3-1-35.

KFJM—University of North Dakota, Grand Forks, N. Dak.—Special experimental authorization to make changes in equipment and increase daytime power from 100 watts to 250 watts.

WCAL—St. Olaf College, Northfield, Minn.—License to cover construction permit authorizing changes in equipment and increase in daytime power.

KWK—Thomas Patrick, Inc., St. Louis, Mo.—Modification of construction permit authorizing changes in equipment and increase in daytime power requesting further changes in equipment.

KMBC—Midland Broadcasting Co., Kansas City, Mo.—License to use the present main transmitter as an auxiliary as C. P. has been authorized to use present auxiliary transmitter as the main transmitter.

Fifth Zone

KSEI—Radio Service Corp., Pocatello, Idaho—Modification of construction permit issued pursuant to court of appeals for **890 kc.**, requesting authority to increase power from 250 watts night, 500 watts daytime, to 500 watts, using direc-

tional antenna and move transmitter and studio to near Pocatello, Idaho.

KGIX—J. M. Heaton, Las Vegas, Nev.—Modification of construction permit authorizing changes in equipment and removal of transmitter, requesting change in transmitter site and extension of commencement and completion dates, amended to omit request for change of transmitter site.

NEW—J. H. Speck, Santa Fe, N. Mex.—Construction permit to erect a new broadcast station to be operated on **1310 kc.**, 100 watts, unlimited time.

KPCB—Queen City Broadcasting Co., Seattle, Wash.—Modification of construction permit authorizing changes in equipment and increase in power, requesting changes in equipment and change hours of operation from limited to unlimited and extension of commencement and completion dates.

KPCB—Queen City Broadcasting Co., Seattle, Wash.—Modification of construction permit authorizing changes in equipment and increase in power, requesting extension of commencement and completion dates.

KPCB—Queen City Broadcasting Co., Seattle, Wash.—Extension of special experimental authorization to operate on **710 kc.**, unlimited time, for the period 8-1-34 to 2-1-35.

KECA—Earle C. Anthony, Inc., Los Angeles, Calif.—Modification of construction permit authorizing change in equipment and increase in daytime power to 2½ KW, requesting authority to install new equipment and increase daytime power to 5 KW, amended to request power of 5 KW day and night.

NEW—Albert T. Roche and Harold Smithson, Chico, Calif.—Construction permit to erect a new broadcast station to be operated on **850 kc.**, 100 watts, daytime.

KMO—KMO, Inc., Tacoma, Wash.—Modification of license to increase power from 250 watts to 250 watts night, 500 watts daytime.

KGEK—Elmer G. Beehler, Yuma, Colo.—Construction permit to move station from Yuma to Sterling, Colo., and make changes in equipment.

KWYO—R. E. Carroll, trading as Big Horn Broadcasting Co., Sheridan, Wyo.—License to cover construction permit authorizing erection of new broadcast station to be operated on **1370 kc.**, 100 watts, unlimited time.

APPLICATIONS RETURNED

WLWL—Missionary Society of St. Paul the Apostle, New York, N. Y.—Modification of license to change frequency from **1100 kc.** to **810 kc.**, and hours of operation from specified to unlimited time. (Jurat not complete.)

NEW—Mid-Central Broadcasting Co., Kansas City, Mo.—Construction permit to erect a broadcast station to be operated on **1370 kc.**, 100 watts, unlimited time (facilities of KWKC). (Application not signed and questionable transmitter site.)

KIEV—Cannon System, Ltd., Glendale, Calif.—Modification of construction permit authorizing changes in equipment and increase in daytime power, requesting further changes in equipment and extension of commencement and completion dates. (Incomplete.)

The National Association of Broadcasters

NATIONAL PRESS BUILDING ★ ★ ★ ★ ★ WASHINGTON, D. C.

PHILIP G. LOUCKS, Managing Director

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CLEAR STATIONS ASK INVESTIGATION

Stations KFI, KNX, WBAP, WFAA, WGN, WHAM, WHAS, WJR, WLS, WLW, WOAI, WSB, WSM this week filed a petition with the Federal Communications Commission asking for an investigation of clear channels and a re-statement of regulations regarding them.

The petition asks that the Commission commence a technical study and investigation of clear channels to be continued for a period of one year under the supervision of a radio engineer of recognized ability and in cooperation with all broadcasters and radio laboratories willing to give such cooperation. The study would embrace the extent to which the people of the United States, and particularly those in rural areas, are dependent upon clear channel stations for reception and the extent to which such service should be protected from interference.

Upon conclusion of the study the petition urges that a report containing recommendations embracing proposed new regulations and clarifications and amendments to existing regulations regarding clear channels be made to the Commission.

Pending the promulgation of such new regulations the petition asks that no new or further duplicate nighttime operation be permitted on clear channels on which duplicate nighttime operation is not already authorized and that no new or further duplicate daytime operation be permitted except under and safely in accordance with the mileage frequency separation tables recommended by the Commission's Engineering Division.

FCC MEANS BUSINESS

In less than a month after assuming office, the Federal Communications Commission has issued temporary renewal licenses to three broadcasting stations, and has instituted investigations of approximately twenty more broadcasting stations as a result of complaints against programs.

Unlike the defunct Federal Radio Commission, the new Commission does not intend to temporize with stations which persist in careless programming or which accept advertising of products or services likely to be injurious to the public health. Furthermore, the Commission intends that all classes of stations from the largest to the smallest shall be subjected to the same disciplinary rules.

The Commission denies that it has embarked upon any special drive to compel stations to toe the mark but indicated strongly that all complaints against stations will be carefully scrutinized and if the complaints warrant, renewal applications will be designated for public hearing.

The Commission feels that it has the power to take drastic action in cases where the complaints involve advertising of products or services affecting public health because of the decisions of the courts in such cases as the Brinkley case and its own decision in the Baker case.

From the best information obtainable, the action of the Commission during its first month of existence is an example of what is to follow. The Commission plans to exercise its broad powers under the new law without fear or favor and with a view to taking drastic action against stations which fail to measure up to the standard of public interest, convenience and necessity which has now come to have a new and more exacting meaning.

WILL CHANGE BROADCAST REGULATIONS

Changes in the regulations of the Federal Communications Commission governing broadcasting will be made shortly, it was learned at the Commission. These changes are necessary to conform the old rules and regulations to the new law. Just when this will be done is problematical. It is not expected that the changes will be drastic in nature but rather will be such as to coordinate existing regulations wherein they may possibly conflict with the new law.

DELINQUENTS GET NOTICES

This year's NAB Convention will be limited to members of the Association in good standing. In order that the records of the Association may be cleared, the Managing Director, under the provisions of the new by-laws, sent notices to some 20 stations which have not paid dues for a period of three months or more. These notices demand that payment be made within 14 days from the date thereon or forfeit membership.

OPEN CODE MEETING SCHEDULED

The Code Authority for the Radio Broadcasting Industry announced, in its Bulletin No. 9, an open meeting to be held Thursday, September 20, 1934, at the Netherland-Plaza Hotel, Cincinnati, Ohio, at 10 a. m. The meeting immediately follows the NAB Convention, which closes Wednesday, September 19.

The meeting will be open to any member of the Radio Broadcasting Industry who is complying with all of the provisions contained in the Code of Fair Competition. This includes the payment of at least the first three quarterly installments of the assessments levied by the Code Authority to defray its expenses.

Each member participating will be allowed one vote, and no proxies will be allowed. A member in good standing may, in writing, designate a regular staff employee to represent him and his vote shall bind such member.

A member desiring to make a motion or to offer a resolution is required to submit a copy to the presiding officer in order to gain recognition.

John Shepard, 3d, Chairman of the Code Authority, will preside.

NBC ABOLISHES RECORDS

The National Broadcasting Company announced on August 7, 1934, the discontinuance of the use of records for program material at all NBC owned or operated stations. The order will be placed into effect gradually.

BUSINESS INDEX EXPANDED

The NAB Statistical Service has passed the first year of its existence and the program for the second year calls for a greatly expanded reporting of system. The sample used heretofore included 125 selected stations, selected for their classification, location, etc., and the revised sample will include a total of 250 stations. The service has proved very valuable to stations, advertisers, trade journals, agencies and research departments of all kinds.

HOUSING ASKS RADIO ASSISTANCE

The Federal Housing Administration recognizes that "radio advertising offers one of the most effective mediums for carrying on its nation-wide campaign" for home improvement and therefore is asking stations to compile a list of all commercially sponsored broadcast programs of 15 minutes or more in order that the Administration might correspond directly to the sponsors and urge them to aid in the modernization and improvement program.

JUDGE SYKES SPEAKS OVER CBS

Judge Eugene O. Sykes, Chairman of the Federal Communications Commission, delivered an address over the Columbia Broadcasting System August 3, describing the organizations and functions of the Commission.

ENTIRE COMMISSION TO MEET

The full membership of the Federal Communications Commission will meet at the call of Chairman Sykes, on Monday, August

13. While no official statement has been made it is generally understood that the purpose of the meeting is to discuss the appointment of new attorneys for the Legal Division and perhaps other added personnel.

THREE NEW APPEALS FILED

Three new appeals have been filed against the Federal Communications Commission in the Court of Appeals of the District of Columbia. One was filed by Station WHBY, Green Bay, Wis., from a decision of the old Federal Radio Commission of June 29, effective July 13, denying that station a construction permit for new equipment and also denying it the right to change from 1200 to 1360 kilocycles and increasing its power from 100 to 1000 watts. The station had asked for the facilities of WGES, Chicago, and WIND, Gary, Ind.

Two appeals were also filed in the Court against the Commission by T. G. Roberts, formerly connected with Station KWKH, Shreveport, Ind.

Mr. Roberts appealed against a grant to KWKH allowing it to change in frequency from 850 to 1100 kilocycles and the other against granting Station WWL, New Orleans, La., unlimited time on 850 kilocycles.

An interesting point in connection with the appeals is the fact that none of the records of the Commission show that Mr. Roberts has any pending applications before the Commission. The Commission has filed a motion to dismiss with the Court. Among other things the Commission states that Mr. Roberts has no appealable interest.

RECOMMENDATION FOR NEWPORT STATION

S. George Webb applied to the Federal Communications Commission for a construction permit for a new broadcasting station to be erected at Newport, R. I., using 1200 kilocycles, unlimited time, 100 watts night and 250 watts day. George H. Hill(e) in Report No. I-1 recommended this week that the application be granted on certain conditions.

The Examiner recommends that the application be granted if Station WPRO, Providence, R. I., is given the regular assignment to operate on 630 kilocycles and WORC is given the regular assignment to operate on 1280 kilocycles. Otherwise, the Examiner suggests that the application be denied.

He found that the Newport area "is now inadequately served by existing radio stations" and that no objectionable interference would result if the changes he mentioned are granted.

SECURITIES ACT REGISTRATION

The following companies have filed registration statements with the Federal Trade Commission under the Securities Act.

Domestic Finance Corporation, Chicago, Ill. (2-1010, Form D-2)
Riverton Lime Co., Inc., Riverton, Va. (2-1011, Form D-2)
Refinance Corporation, Chicago, Ill. (2-1012, Form D-1)
Berendo-Wilshire Apartments First Mortgage Bondholders' Committee, Los Angeles, Calif. (2-1013, Form D-1)
Medical Center Building First Mortgage Bondholders' Committee, Los Angeles, Calif. (2-1014, Form D-1)
Majestic Gold Mines, Ltd., Toronto, Canada. (2-1015, Form A-1)
Soocana Mining Corporation, Sault Ste. Marie, Mich. (2-1016, Form A-1)
Stephen A. Ingersoll and Others, Chicago, Ill. (2-1017, Form D-1)
American Trustee Share Corporation, Jersey City, N. J. (2-1018, Form C-1)
Two-In-One Gold Mines, Ltd., Toronto, Canada. (2-1019, Form A-1)
Mineral Machines, Inc., Boulder, Colo. (2-1020, Form A-1)
O-Neh-Da Vineyard & Distillery, Inc., Conesus, Livingston County, N. Y. (2-1021, Form A-1)
Bondholders' Committee for Gatzert Municipal Securities Trust Certificates Series CC, K, KK, MO6 and T, Chicago, Ill. (2-1022, Form D-1)
Assessment Bond Service, Chicago, Ill. (2-1023, Form D-1)
L. H. Witwer, Tulsa, Okla. (2-1024, Form G-1)
L. H. Witwer, Tulsa, Okla. (2-1025, Form G-1)
TVP Corporation, New York City. (2-1026, Form A-1)
Foundation Properties, Inc., New York City. (2-1027, Form D-2)
Bondholders' Protective Committee of Canadian Rail and Harbour Terminals, Ltd., for First Mortgage 6½ per cent Sinking Fund Gold Bonds, due March 1, 1951, New York City. (2-1028, Form D-1)
Noteholders' Protective Committee, Philadelphia, Pa. (2-1029, Form D-1)
United Air Lines Transport Corporation, Voting Trustees of United Air Lines Transport Corporation, United Aircraft Corporation, Boeing Airplane Co. (2-1030 to 1033, inclusive, Forms E-1 and F-1)
Protective Committee for Noteholders of Barnhart Brothers & Spindler, 6 per cent Serial Gold Notes, New York City. (2-1034, Form D-1)
International Silver & Gold Corporation, Pittsburgh, Pa. (2-1035, Form A-1)
Administrative Corporation, New York City. (2-1036, Form C-1)
Uptown Square Building Corporation, Chicago, Ill. (2-1037, Form D-2)
Quarterly Income Shares, Inc., Jersey City, N. J. (2-1038, Form A-1)
Callahan Zinc-Lead Company, Wallace, Ida. (2-1039, Form A-1)
Independence Fund of North America, Inc., New York City. (2-1040, Form C-1)
Debenture Holders Committee for Midland Utilities Company, Chicago, Ill. (2-1041, Form D-1)
Cahuenga Court Apartments First Mortgage Bondholders' Committee, Los Angeles, Calif. (2-1042, Form D-1)
Washington Land & Livestock Corporation, Seattle, Wash. (2-1043, Form A-1)
Annapolis Yacht Basin, Inc., Annapolis, Md. (2-1044, Form A-1)
Emporia Gold Mines, Inc., Wilmington, Del. (2-1045, Form A-1)
110 South Pennsylvania Ave. Corp., Atlantic City, N. J. (2-1046, Form E-1)
Protective Committee for Holders of Lake Charles Office Building Co., New Orleans, La. (2-1047, Form E-1)
National Distillers Products Corp., New York City. (2-1048, Form A-1)

FEDERAL COMMUNICATIONS COMMISSION ACTION

No hearings are scheduled for the forthcoming week.

ACTION ON EXAMINER'S REPORT

WLEY—Ex. Rep. No. 574: Albert S. Moffat, Lowell, Mass.—Granted C. P. to move transmitter and studio from Lexington to Lowell, Mass.; **1370 kc.**, 100 watts night, 250 watts day; specified hours, sustaining Examiner R. L. Walker. (Order effective August 14, 1934.)

MISCELLANEOUS

WBAA—Purdue University, W. Lafayette, Ind.—Suspended grant for modification of license to change frequency from **1400 kc.** to **890 kc.**, and application set for hearing because of protest of WILL, Urbana, Ill.

WDAF—Kansas City Star Co., Kansas City, Mo.—Denied petition to intervene in the proceedings with reference to the application of WHB Broadcasting Co., Kansas City, for special authority to operate on **1120 kc.**, 500 watts, from LS to midnight at Kansas City.

WHB—WHB Broadcasting Co., Kansas City, Mo.—Denied petition for reconsideration of application for special experimental authority to change frequency from **860 kc.**, 500 watts, daytime, to **1120 kc.**, 500 watts, specified hours. This application was set for hearing on May 25, 1934.

WBAP—Carter Publications, Fort Worth, Tex.—Granted petition for regular renewal of license.

WBHS—Radio Station WBHS, Huntsville, Ala.—Granted regular renewal of license to continue operation at Huntsville, Ala., and consent to voluntary assignment of license to Virgil V. Evans. Application to move station to Greenwood, S. C., has been withdrawn.

WOL—American Broadcasting Co., Washington, D. C.—Denied request for hearing on protest against grant made June 15, 1934, of an increase in day power from 500 watts to 1 KW to WRC, Washington, on the ground that the allegations in the protest are "vague, problematical and conjectural and are not such as to present substantial interest."

WATR—Harold Thomas, Waterbury, Conn.—Denied special temporary authority to operate on **1200 kc.**, 100 watts, unlimited time, until station WORC is required to revert to its regularly licensed frequency of **1200 kc.**

WLTH—Voice of Brooklyn, Brooklyn, N. Y.—Modification of license to operate on **1400 kc.**, 500 watts, WLTH ¾ time,

WBBC ¼ time, heretofore set for hearing, was dismissed at request of applicants.

NEW—Joseph Pappalardo, Lawrence, Mass.—C. P. for new station to operate on **1120 kc.**, 100 watts; unlimited time, heretofore designated for hearing, was dismissed at applicant's request.

NEW—American Radio Productions Inst., Inc., Brooklyn, N. Y.—C. P., **1400 kc.**, 500 watts, unlimited time (facilities of WBBC, WLTH, WARD and WVFW), heretofore designated for hearing, was denied because applicants failed to enter appearance within time allowed.

EXPERIMENTAL APPLICATION GRANTED

NEW—Seymour Turner (Portable), Philadelphia, Pa.—Granted Visual Broadcasting C. P. to November 1, 1934, **65000** to **75000 kc.**, 5 watts.

RATIFICATIONS

WESC—Cornell University, Elmria, N. Y.—Granted renewal of license on a temporary basis subject to such action as the Commission may take on their pending application for renewal.

WJAG—The Norfolk Daily News, Norfolk, Nebr.—Same.

KWJJ—KWJJ Broadcast Co., Inc., Portland, Ore.—Same.

WHAT—Independence Broadcasting Co., Inc., Philadelphia, Pa.—Granted special temporary authority to remain silent from 2 to 4 p. m. EST, Aug. 4, 11, 18, 25 and Sept. 1 and 8, 1934.

WKBZ—Karl L. Ashbacker, Ludington, Mich.—Granted special temporary authority to remain silent for period Aug. 1, 1934, and pending action on application for modification of C. P., but not later than Oct. 8.

Stromberg Carlson Tel. Mfg. Co., Rochester, N. Y.—Granted special temporary authority to operate broadcast pickup transmitter, **1622** and **2150 kc.**, 100 watts, August 1 to 10, 1934.

WDFL—Ben S. McGlashan, "El Perrito."—Granted special experimental temporary authority to use station WDFL as broadcast pickup station on **2150 kc.**, August 4 to 12, inclusive.

APPLICATIONS GRANTED

WHDF—The Upper Michigan Broadcasting Co., Calumet, Mich.—Granted C. P. to move transmitter from Calumet to outside of Larium, Mich., and make changes in equipment.

WKBZ—Karl L. Ashbacker, Muskegon, Mich.—Granted modification of C. P. to change location of station locally in Muskegon, and extend commencement date to Aug. 8. (Original C. P. authorized moving from Ludington to Muskegon.)

WPTF—WPTF Radio Co., Raleigh, N. C.—Granted modification of C. P. to extend completion date from Aug. 17 to Oct. 17.

KPCB—Queen City Broadcasting Co., Seattle, Wash.—Granted modification of C. P. to extend commencement date from May 28 to Aug. 27, and completion date to Oct. 26, 1934.

WCAL—St. Olaf College, Northfield, Minn.—Granted license, **1250 kc.**, 1 KW night, 2½ KW day, specified hours.

KWYO—R. E. Carroll, d/b as Big Horn Broadcasting Co., Sheridan, Wyo.—Granted license, **1370 kc.**, 100 watts, unlimited.

WLBL—State of Wisconsin, Department of Agriculture and Markets, Stevens Point, Wis.—Granted renewal of license, **900 kc.**, 2½ KW; also authority to remain silent on legal holidays.

WTRC—The Truth Publishing Co., Inc., Elkhart, Ind.—Granted voluntary assignment of license to Truth Radio Corp.

KMBC—Midland Broadcasting Co., Kansas City, Mo.—Granted license for authority to use old transmitter as auxiliary.

KWK—Thomas Patrick, Inc., St. Louis, Mo.—Granted modification of C. P. to change type of equipment authorized by C. P.

WDGY—Dr. Geo. W. Young, Minneapolis, Minn.—Granted license covering new equipment and increase in power from 1 KW to 1 KW night, 2½ KW day; **1180 kc.**, limited time.

WMAL—National Broadcasting Co., Inc., Washington, D. C.—Granted license for auxiliary purposes; **630 kc.**, 250 watts night, 500 watts day.

SPECIAL AUTHORIZATIONS

WICC—Southern Connecticut Broadcasting Corp., Bridgeport, Conn.—To operate Monday to Friday inclusive, from 12:30 to 1 p. m.; Wednesday, 4:30 to 5 p. m.; EST, for period Aug. 11 to Sept. 1, provided WCAC remains silent.

KWKC—Wilson Duncan Broadcasting Co., Kansas City, Mo.—To operate without approved frequency monitor for a period not to exceed 15 days.

WKRC—WKRC, Inc., Cincinnati, Ohio—Special temporary authority extended for period Sept. 1, 1934, to March 1, 1935, to operate with an additional 500 watts power.

WTBO—Association Broadcasting Corp., Cumberland, Md.—Special temporary authority extended for period Aug. 3 to 16 inclusive, to operate without an approved frequency monitor.

WGES—Oak Leaves Broadcasting Station, Inc., Chicago, Ill.—Extension of special temporary authority to operate the following hours: Sunday, 9 a. m. to 5 p. m.; 11 p. m. to 12 midnight; Monday to Friday inclusive, 7 a. m. to 12 noon; 5 to 8 p. m., and 11 p. m. to 12 midnight; Saturday, 7 a. m. to 12 noon, and 5 to 8 p. m., CST, for period Aug. 12 to Sept. 10, 1934.

WHBC—Edward P. Graham, Canton, Ohio—To operate simultaneously with station WNBO from 9 to 11 p. m., EST, Aug. 13, and from 9 p. m. to 12 p. m., EST, Aug. 14; also granted special temporary authority to operate from 12 midnight to 6 a. m., EST, Aug. 15.

WSBT—The South Bend Tribune, South Bend, Ind.—Special temporary authority to operate the following specified hours: Sunday, 6 to 8 a. m., and 5 to 11 p. m.; Monday to Friday inclusive, 6 to 7 a. m., 12 noon to 5 p. m., and 8 to 11 p. m.; Saturday, 6 to 7 a. m., 12 noon to 5 p. m., and 6 p. m. to 12 midnight, extended from Aug. 12 to Sept. 10, 1934.

SET FOR HEARING

WJAR—The Outlet Co., Providence, R. I.—Modification of license to increase power from 250 watts night, 500 watts day, to 1 KW day and night.

KLS—S. W. Warner & E. N. Warner, d/b as Warner Brothers, Oakland, Calif.—Modification of license to increase hours of operation from daytime to unlimited.

WBZA—Westinghouse Electric & Manufacturing Co., Boston, Mass.—Special experimental authority to transmit dissimilar programs over WBZA daytime up to one hour before sunset, when synchronized with WBZ, for period of 30 days.

WHDH—Matheson Radio Co., Inc., Boston, Mass.—Modification of license to increase hours of operation from daytime to unlimited, using 500 watts night, 1 KW until sunset at Denver; to be heard before Commission en banc, with application of WNAC.

APPLICATIONS RECEIVED

First Zone

W1XBS—American-Republican, Inc., Waterbury, Conn.—Modification of construction permit authorizing erection of new experimental broadcast station (**1530 kc.**, 1 KW, unlimited time), requesting approval of exact transmitter site.

W1XBS—American-Republican, Inc., Waterbury, Conn.—Modification of construction permit (as above) requesting extension of completion date.

WATR—Harold Thomas, Waterbury, Conn.—Modification of license to change frequency from **1190 kc.** to **1200 kc.**, and hours of operation from daytime to unlimited—contingent upon WORC releasing **1200 kc.**

WJEJ—Hagerstown Broadcasting Co., Hagerstown, Md.—Construction permit to move transmitter locally.

W2XAG—R. D. Lemert, Portable.—License to cover construction permit for experimental visual broadcast station to be operated on **42000-86000 kc.**, 100 watts.

WDRC—WDRC, Inc., Hartford, Conn.—Modification of construction permit authorizing installation of new equipment and increase in daytime power to request extension of completion date to Oct. 27, 1934.

Second Zone

WLVA—Lynchburg Broadcasting Corp., Lynchburg, Va.—Construction permit to make changes in equipment and increase power from 100 watts to 100 watts night, 250 watts daytime.

WBTM—Piedmont Broadcasting Corp., Danville, Va.—Construction permit to make changes in equipment and increase power from 100 watts to 100 watts night, 250 watts daytime.

WBNS—WBNS, Inc., Columbus, Ohio—License to cover construction permit authorizing removal of transmitter.

WDAS—WDAS Broadcasting Station, Inc., Philadelphia, Pa.—License to cover construction permit authorizing removal of station and installation of new equipment.

Third Zone

WTOC—Savannah Broadcasting Co., Inc., Savannah, Ga.—License to cover construction permit authorizing installation of temporary transmitter.

WRDW—Musicove, Inc., Augusta, Ga.—Voluntary assignment of license to Augusta Broadcasting Co.

WDBO—Orlando Broadcasting Co., Inc., Orlando, Fla.—Special experimental authorization to increase power from 250 watts to 500 watts night AMENDED to increase power to 1 KW night.

NEW—Samuel Nathanuel Morris, Stamford, Tex.—Construction permit to erect a new broadcast station to be operated on **1200 kc.**, 100 watts, unlimited time.

NEW—F. N. Pierce, Taylor, Tex.—Construction permit to erect a new broadcast station to be operated on **1310 kc.**, 100 watts, unlimited time.

WDAE—Tampa Times Co., Tampa, Fla.—Extension of special experimental authorization to operate with an additional 1½ KW during daytime for the period Oct. 1, 1934, to April 1, 1935.

KMLB—Liner's Broadcasting Station, Inc., Monroe, La.—Construction permit to move transmitter, change frequency from **1200 kc.** to **630 kc.**, and increase power from 100 watts to 250 watts.

KCRC—Enid Radiphone Co., Enid, Okla.—Modification of license to change frequency from **1370 kc.** to **1360 kc.**, increase power from 100 watts night, 250 watts daytime, to 250 watts, and hours of operation from sharing with KGFG to unlimited time.

WDAG—National Radio and Broadcasting Corp., Amarillo, Tex.—Modification of construction permit authorizing changes in equipment and increase in daytime power requesting installation of new equipment and extension of commencement and completion dates.

WBIG—North Carolina Broadcasting Co., Inc., Greensboro, N. C.—Modification of license to increase power from 500 watts night 1 KW daytime to 1 KW day and night.

WMAZ—Southeastern Broadcasting Co., Macon, Ga.—Modification of construction permit authorizing installation of new equipment, removal of transmitter and increase in power requesting approval of transmitter site, changes in equipment and extension of commencement and completion dates.

WAMC—Raymond C. Hammett, Anniston, Ala.—Modification of construction permit authorizing removal of station requesting removal to Selma, Ala. AMENDED to request change in transmitter site at Selma.

Fourth Zone

WIND—Johnson-Kennedy Radio Corp., Gary, Ind.—License to cover construction permit authorizing the installation of new equipment and increase in daytime power.

WJJD—WJJD, Inc., Chicago, Ill.—Modification of license to change hours of operation from limited to specified (6 a. m. to 8:30 p. m.) and power from 20 KW to 20 KW until sunset at Salt Lake and 5 KW thereafter.

KSD—The Pulitzer Publishing Co., St. Louis, Mo.—Modification of construction permit authorizing installation of new equipment and increase in daytime power requesting an extension of commencement and completion dates.

W9XBY—First National Television, Inc., Kansas City, Mo.—Modification of construction permit authorizing erection of new experimental broadcast station to request extension of completion date.

KSO—Iowa Broadcasting Co., Des Moines, Iowa—License to cover construction permit authorizing installation of new equipment and increase in daytime power.

NEW—Seymour Turner, Portable.—Construction permit for a new experimental visual broadcast station to be operated on **65000-75000 kc.**, 5 watts.

WSBT—The South Bend Tribune, South Bend, Ind.—Modification of license to change hours of operation from specified to sharing time with WGES.

NEW—Herbert H. Fette, Meriden, Minn.—Construction permit to erect a new broadcast station to be operated on **1310 kc.**, 100 watts, daytime.

NEW—Mid-Central Broadcasting Co., Kansas City, Mo.—Construction permit to erect a new broadcast station to be operated on **1370 kc.**, 100 watts, unlimited time.

WCFL—Chicago Federation of Labor, Chicago, Ill.—Modification of construction permit authorizing installation of new equipment, removal of transmitter and increase in power requesting changes in equipment.

NEW—Head of the Lakes Broadcasting Co., Hibbing, Minn., T-Mountain Iron, Minn.—Construction permit to erect a new broadcast station to be operated on **1210 kc.**, 100 watts, unlimited time.

Fifth Zone

KTM—Pickwick Broadcasting Corp., Ltd., Los Angeles, Calif.—Modification of license to increase power from 500 watts night, 1 KW daytime to 1 KW day and night.

KIEV—Cannon System, Ltd., Glendale, Calif.—Modification of construction permit authorizing changes in equipment and increase in daytime power to 250 watts requesting changes in equipment and extension of commencement and completion dates.

KOIN—KOIN, Inc., Portland, Ore.—Modification of construction permit authorizing installation of new equipment and increase in daytime power requesting changes in equipment and extension of commencement and completion dates.

NEW—J. C. and E. W. Lee (Riverside Broadcasting Co.), Riverside, Calif.—Construction permit to erect a new broadcast station to be operated on **820 kc.**, 100 watts, daytime.

KJBS—Julius Brunton and Sons Co., San Francisco, Calif.—Modification of construction permit authorizing changes in equipment and increase in daytime power to request further changes in equipment and extension of commencement and completion dates.

KQW—Pacific Agricultural Foundation, Ltd., San Jose, Calif.—Modification of construction permit authorizing installation of new equipment and increase in daytime power requesting changes in equipment and extension of commencement and completion dates.

KSLM—Oregon Radio, Inc., Salem, Ore.—Modification of construction permit authorizing erection of new broadcast station to be operated on **1370 kc.**, 100 watts, daytime, requesting an increase in power to 100 watts night, 250 watts daytime, unlimited hours of operation, changes in equipment and extension of commencement and completion dates.

NEW—Joseph H. Hallock, Baker, Ore.—Construction permit to erect a new broadcast station to be operated on **1200 kc.**, 100 watts, daytime.

KEX—Oregonian Publishing Co., Portland, Ore.—License to cover construction permit authorizing changes in equipment and move of transmitter.

NEW—David H. Cannon, Pasadena, Calif.—Construction permit to erect a new broadcast station to be operated on **1480 kc.**, 100 watts, daytime.

KGAR—Tucson Motor Service Co., Tucson, Ariz.—License to cover construction permit authorizing changes in equipment.

APPLICATIONS RETURNED

WGES—Oak Leaves Broadcasting Station, Inc., Chicago, Ill.—Modification of license to change hours of operation from specified to sharing with WSBT. (Jurat incomplete.)

NEW—Frank Lyman, Jr., Concord, N. H.—Construction permit to erect a new broadcast station to be operated on **610 kc.**, 100 watts, daytime. (Rule 120, questionable equipment and not properly executed.)

WQDM—E. J. Regan and A. J. St. Antone, St. Albans, Vt.—Voluntary assignment of construction permit to E. J. Regan and F. Arthur Bostwick, d/b as Regan and Bostwick. (Improperly executed.)

WTOC—Savannah Broadcasting Co., Inc., Savannah, Ga.—License to cover construction permit for temporary transmitter. (Jurat incomplete.)

WRDW—Musicove, Inc., Augusta, Ga.—Voluntary assignment of license to Augusta Broadcasting Co. (Improperly signed.)

KADA—C. C. Morris, Ada, Okla.—Modification of construction permit authorizing erection of new broadcast station requesting changes in equipment. (Incomplete.)

NEW—Norman Baker, Muscatine, Iowa—Construction permit to erect a new broadcast station to be operated on **1170 kc.**, 5 KW, LT. (Request of applicant.)

KFJI—KFJI Broadcasters, Inc., Klamath Falls, Oreg.—Construction permit to make changes in equipment. (Unnecessary.)

The National Association of Broadcasters

NATIONAL PRESS BUILDING ★ ★ ★ ★ ★ WASHINGTON, D. C.

PHILIP G. LOUCKS, Managing Director

NAB REPORTS

★ ★ ★ ★

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BROADCAST ADVERTISING IN JUNE

Broadcast advertising in June experienced a marked decline as compared with the previous month. Seasonal and general business conditions combined to produce this result. Gross sales of time amounted to $5,418,732, a decrease of 21.6% as compared with May. National spot volume lost most heavily, declining 34.1%, due mainly to a 45.8% decrease in electrical transcription business. Despite a 16.7% drop in revenues as compared with May, June national network volume was the best in the history of broadcasting.

In the non-network field, stations of over 5,000 watts in power lost most heavily, due to national spot trends. Losses were fairly evenly distributed throughout the various geographical districts, with the South and Far West experiencing slightly greater declines than other sections. Declines were heavy in all fields of industrial sponsorship. Local beverage, national spot soap and kitchen supply, local amusement, and automotive advertising were the only fields wherein gains were recorded over the preceding month.

Trend in General Radio Advertising

The trend in general radio advertising is found in Table I.

TABLE I

TOTAL BROADCAST ADVERTISING VOLUME

	1934 Gross Receipts		
Class of Business	*May*	*June*	*Cumulative Jan.-June*
National networks	$3,728,481.00	$3,103,796.00	$21,998,866.00
Regional networks	44,559.00	35,599.00	317,251.00
Individual stations	3,149,090.00	2,279,337.00	15,905,363.00
Total	$6,922,395.00	$5,418,732.00	$38,221,480.00

National network volume declined 16.7% over the month, regional network advertising 20.5%, and non-network advertising 27.6%. Despite the decline as compared with May, national network volume was 51.0% over that of June of the preceding year. Non-network advertising was 8.9% greater than July, 1933, the nearest comparable figure available.

Comparison with Other Media

Declines in broadcast advertising were heavier than in most advertising media. National magazine volume decreased 1.5% as compared with May, farm paper advertising 17.0%, and newspaper volume 7.9%. Broadcasting still has the problem of convincing industry of the volume of summer advertising at least partially remaining before it.

All media have shown marked gains over the same period of the preceding year. Weekly national magazines were 60% ahead of June, 1933, monthly magazines 35%, farm papers 86%, and newspapers approximately 30%.

A comparison of the relative volume of broadcast advertising and that of other media is found in Table II.

TABLE II

ADVERTISING VOLUME BY MAJOR MEDIA

	1934 Gross Receipts		
Advertising Medium	*May*	*June*	*Cumulative Jan.-June*
Radio broadcasting	$6,922,395.00	$5,418,732.00	$38,221,480.00
National magazines [1]	11,935,736.00	11,768,764.00	61,409,805.00
National farm papers	558,222.00	462,056.00	2,870,927.00
Newspapers [2]	46,452,000.00	42,839,000.00	242,535,250.00
Total	$65,868,088.00	$60,488,522.00	$345,037,462.00

[1] National magazine totals are for 108 periodicals, prepared by Publishers' Information Bureau, Inc., from which source national farm papers and networks are also taken.
[2] Estimated.

Non-Network Advertising by Power of Station

Revenues of stations of over 5 kilowatts in power declined most heavily due principally to the marked downward trend in national spot business. Advertising volume over this class of station decreased 31.1% as compared with May. Stations in the 2,500-5,000-watt class experienced a 22.0% decline in volume, those of the 250-1,000-watt class a 25.0% decline, while the 100-watt stations suffered a 28.5% loss in advertising volume.

The volume of non-network advertising placed over various classes of stations is found in Table III.

TABLE III

NON-NETWORK BROADCAST ADVERTISING BY POWER OF STATION

	1934 Gross Receipts		
Power of Station	*May*	*June*	*Cumulative Jan.-June*
Over 5,000 watts	$1,299,640.00	$892,310.00	$6,267,053.00
2,500-5,000 watts	202,410.00	158,500.00	1,137,595.00
250-1,000 watts	1,234,240.00	934,357.00	6,426,929.00
100 watts and under	412,800.00	294,170.00	2,073,786.00
Total	$3,149,090.00	$2,279,337.00	$15,905,363.00

Advertising by Geographical Districts

The amount of non-network advertising placed over stations located in various sections of the country is found in Table IV.

TABLE IV

NON-NETWORK BROADCAST ADVERTISING BY GEOGRAPHICAL DISTRICTS

	1934 Gross Receipts		
Geographical Districts	*May*	*June*	*Cumulative Jan.-June*
New England-Middle Atlantic Area	$1,143,017.00	$841,786.00	$5,250,501.00
South Atlantic-South Central Area	398,243.00	263,550.00	2,195,123.00
North Central Area	1,174,721.00	882,303.00	6,051,911.00
Pacific and Mountain Area	433,109.00	291,698.00	2,407,828.00
Total	$3,149,090.00	$2,279,337.00	$15,905,363.00

June non-network advertising decreased 26.4% as compared with May in the Middle Atlantic-New England Area, 31.0% in the South, 24.9% in the Middle West, and 32.0% in the Mountain and Pacific district. With the exception of the last mentioned district, revenues from all areas were above those of July, 1933.

Spot and Local Advertising

The relative volume of spot and local non-network advertising is found in Table V.

TABLE V

COMPARISON OF NATIONAL SPOT AND LOCAL BROADCAST ADVERTISING

	1934 Gross Receipts		
Class of Business	*May*	*June*	*Cumulative Jan.-June*
National spot.....	$1,479,126.00	$975,377.00	$7,610,864.00
Local	1,669,964.00	1,303,960.00	8,294,499.00
Total	$3,149,090.00	$2,279,337.00	$15,905,363.00

National spot advertising declined 34.1% as compared with the previous month. Local advertising remained considerably steadier, decreasing only 21.9%. The national spot decline was due mainly to a 69.0% drop in national spot electrical transcription business.

Advertising by Type of Rendition

The trend with regard to electrical transcription, live talent record broadcasts and spot announcements during the month is found in Tables VI and VII.

TABLE VI

NON-NETWORK BROADCAST ADVERTISING BY TYPE OF RENDITION

	1934 Gross Receipts		
Type of Rendition	*May*	*June*	*Cumulative Jan.-June*
Elec. transcriptions..	$729,892.00	$395,393.00	$3,768,119.00
Live talent programs.	1,436,151.00	1,147,427.00	7,240,203.00
Records	46,661.00	40,197.00	261,467.00
Spot announcements.	936,386.00	696,320.00	4,635,574.00
Total	$3,149,090.00	$2,279,337.00	$15,905,363.00

TABLE VII

COMPARISON OF LOCAL AND NATIONAL SPOT ADVERTISING BY TYPE OF RENDITION

(June, 1934)

	Gross Receipts for Month		
Type of Rendition	*National Spot*	*Local*	*Total*
Elec. transcriptions....	$266,538.00	$128,855.00	$395,393.00
Live talent programs...	460,737.00	686,690.00	1,147,427.00
Records	5,282.00	34,915.00	40,197.00
Spot announcements...	242,820.00	453,500.00	696,320.00
Total	$975,377.00	$1,303,960.00	$2,279,337.00

Electrical transcription volume experienced the most marked drop in business of any of the various types of rendition. Total transcription volume decreased 45.8% as compared with June, while national spot volume dropped 69.0%. Local transcription volume remained comparatively steady, declining but 14.0%.

Live talent volume decreased 20.0%. National spot business of this type declined 23.3%, and local business 17.8%. Broadcast advertising programs employing records declined 14.1% in volume during the month.

Spot announcement business decreased 25.6% as compared with May. National business of this type decreased 18.0%. Local spot announcements declined 29.0%, indicating a rather large withdrawal of small retail advertisers from the air during the summer months.

Participations

The volume of participations during June continued to increase as in previous months. General volume of this type rose 5.2% as compared with May. The volume of participations is found in Table VIII.

TABLE VIII

PARTICIPATIONS OVER INDIVIDUAL STATIONS

	1934 Gross Receipts		
Type of Rendition	*May*	*June*	*Jan.-June*
Electrical transcriptions ...	$154.00	$409.00	$1,383.00
Live talent programs.....	166,148.00	172,012.00	776,980.00
Records	5,170.00	8,510.00	44,924.00
Total	$171,472.00	$180,931.00	$823,287.00

Radio Advertising Sponsors

Marked decreases occurred in practically all industrial fields as far as broadcast advertising was concerned in June. The heaviest decreases were as follows: Confectionery advertising 40.0%; household equipment and furnishing advertising 39.9%; tobacco advertising 37.7%; financial advertising 30.0%; drug and pharmaceutical advertising 26.5%; clothing advertising 26.0%. In the drug and confectionery fields decreasing national spot and local volume was responsible for the drop in revenues. The decline in tobacco advertising was due principally to national networks, while that in the clothing field was due to decreased local sponsorship.

The only increases to be noted during the month were 10.8% rise in local automotive advertising and a 33.0% gain in national spot soap and kitchen supply advertising, a 10.9% rise in local beverage advertising, and a slight increase in local amusement advertising. Broadcast advertising by different types of sponsors in June is found in Tables IX and X.

The following trends are to be noticed in the aforementioned tables:

1a. *Amusements.* A decrease of 5.4% as against May occurred in this field. National spot volume was responsible for the decline, local amusement advertising rising slightly.

1. *Automobiles.* Automotive advertising declined 21.2% during the month. Network volume dropped 17.4% and national spot volume 41.4%. Local automotive advertising increased 10.8%.

2. *Accessories, gasoline and oil.* Gasoline and accessory advertising decreased 21.3% as compared with June. Network and local volume dropped approximately 16.0%, while national spot volume declined 48.6%.

3. *Clothing.* Radio advertising volume in this field dropped 26.0% as compared with the previous month. The principal decline took place in the non-network field.

4. *Drugs and pharmaceuticals.* Pharmaceutical advertising in June was 26.5% less than in the previous month. Principal decreases took place in the national spot and local fields which were off by approximately one-half of their May volume. Network advertising declined 8.1%.

5. *Toilet goods.* Broadcast advertising in this field declined 20.0% during the month, national spot and local volume decreasing approximately 40.0% and network volume 18.7%.

6. *Foodstuffs.* Food advertising in June decreased 18.8% as compared with May. Network advertising dropped 13.8%, national spot volume 36.1%, while local food advertising decreased 18.3%. Regional network food advertising remained comparatively the same.

7. *Beverages.* Beverage advertising declined considerably less than most other fields, total volume dropping merely 6.8% as compared with May. National spot volume suffered the heaviest

decrease, experiencing a drop of 19.0%. Local beverage volume rose 10.9%.

8. *Confectionery.* Advertising in this field decreased 40.0% as compared with May. Declines were heavy in all fields.

9. *Household equipment and appliances.* Household and furniture advertising decreased 30.9% as compared with the previous month. Network advertising was only 20.0% of the May volume. National spot and local advertising declined approximately 30.0%.

10. *Soap and kitchen supplies.* Advertising in this field decreased 11.0% during the month. Network advertising declined 20.0%, while national spot volume rose 33.0%. Local volume remained comparatively steady.

11. *Insurance and financial.* Network advertising in this field declined 36.5%, while national spot volume dropped to half that of the previous month. Local financial advertising was 15.4% less than in May.

12. *Radio.* Radio set advertising decreased 18.0% during the month. Declines were fairly well distributed throughout all parts of the broadcasting structure.

13. *Department store and general stores.* Department and general store advertising during the month decreased 27.3%. Total retail advertising decreased approximately 21.0%.

14. *Tobacco products.* Tobacco advertising volume over the year dropped 37.7% during the month due entirely to seasonal trends in the network field.

15. *Miscellaneous.* Advertising of the miscellaneous group decreased 24.0% as compared with May, the decline being well distributed throughout the broadcasting field.

TABLE IX

RADIO BROADCAST ADVERTISING VOLUME BY TYPE OF SPONSORING BUSINESS

(June, 1934)

Type of Sponsoring Business	*Gross Receipts for Month* — *National Networks*	*Regional Networks*	*Individual Stations*	*Total*
1a. Amusements	—	—	$62,765.00	$62,765.00
1–2. Automobiles and Accessories:				
(1) Automobiles	$180,950.00	—	141,226.00	322,176.00
(2) Accessories, gas and oils	330,638.00	$13,999.00	179,760.00	524,397.00
3. Clothing and apparel	21,704.00	600.00	151,218.00	173,522.00
4–5. Drugs and toilet goods:				
(4) Drugs and pharmaceuticals	314,152.00	1,839.00	252,375.00	568,366.00
(5) Toilet goods	736,840.00	450.00	82,882.00	820,172.00
6–8. Food products:				
(6) Foodstuffs	561,508.00	7,957.00	448,083.00	1,017,548.00
(7) Beverages	358,818.00	4,709.00	138,815.00	502,342.00
(8) Confections	24,400.00	250.00	13,050.00	37,700.00
9–10. Household goods:				
(9) Household equipment and furnishings	11,629.00	—	161,822.00	173,451.00
(10) Soap and kitchen supplies	179,403.00	—	70,755.00	250,158.00
11. Insurance and financial	36,849.00	2,140.00	54,755.00	93,744.00
12. Radios	32,634.00	—	9,080.00	41,714.00
13. Retail establishments	—	—	109,568.00	109,568.00
14. Tobacco products	187,180.00	—	7,912.00	195,092.00
15. Miscellaneous	127,091.00	3,655.00	395,271.00	526,017.00
Total	$3,103,796.00	$35,599.00	$2,279,337.00	$5,418,732.00

TABLE X

NON-NETWORK ADVERTISING VOLUME BY TYPE OF SPONSORING BUSINESS

(June, 1934)

Type of Sponsoring Business	*Gross Receipts for Month* — *National Spot*	*Local*	*Total*
1a. Amusements	$702.00	$62,063.00	$62,765.00
1–2. Automobiles and Accessories:			
(1) Automobiles	78,742.00	62,484.00	141,226.00
(2) Accessories, gas and oils	87,471.00	92,289.00	179,760.00
3. Clothing and apparel	36,633.00	114,585.00	151,218.00
4–5. Drugs and toilet goods:			
(4) Drugs and pharmaceuticals	196,547.00	55,828.00	252,375.00
(5) Toilet goods	61,782.00	21,100.00	82,882.00
6–8. Food products:			
(6) Foodstuffs	217,613.00	230,470.00	448,083.00
(7) Beverages	47,325.00	91,490.00	138,815.00
(8) Confections	9,650.00	3,400.00	13,050.00
9–10. Household goods:			
(9) Household equipment and furnishings	45,245.00	116,577.00	161,822.00
(10) Soap and kitchen supplies	60,585.00	10,170.00	70,755.00
11. Insurance and financial	10,285.00	44,470.00	54,755.00
12. Radios	4,047.00	5,033.00	9,080.00
13. Retail establishments	9,403.00	100,165.00	109,568.00
14. Tobacco products	5,612.00	2,300.00	7,912.00
15. Miscellaneous	103,735.00	291,536.00	395,271.00
Total	$975,377.00	$1,303,960.00	$2,279,337.00

Retail Advertising

Retail advertising of all types decreased 21.3% during the month. Principal declines occurred in the gasoline and accessory field, clothing, restaurants, household equipment dealers, furniture stores, and in the department store field. The only increases of importance were with regard to automobile agencies and used car dealers, and hardware stores.

The volume of retail advertising during June is found in Table XI.

Business Conditions

Recession has been experienced in a variety of fields during the month of July. The New York Times Index of general business activity dropped from 85.5% on June 23 to 80.0% on July 21. The automobile production index decreased from 106.1% at the end of June to 77.9% on July 28. Steel production continues at approximately half the volume which it enjoyed in June.

Retail sales have declined slightly. Department store sales, which for three months had maintained an average of 77.0% of the 1923-25 level, declined to 75.0%. Variety store sales declined approximately to the same degree, while rural sales decreased 8.0%.

Crop conditions and the labor situation in some centers are further disturbing features in the business situation as is the growing recognition of the costs of the present program. Business conditions may be expected to continue in their present disturbed state for at least some time to come.

TABLE XI

RETAIL ADVERTISING OVER INDIVIDUAL STATIONS

(June, 1934)

Type of Sponsoring Business	*Gross Receipts for Month*
Automobiles and accessories:	
Automobile agencies and used car dealers	$60,102.00
Gasoline stations, garages, etc.	49,695.00
Clothing and apparel shops	112,750.00
Drugs and toilet goods:	
Drug stores	7,275.00
Beauty parlors	4,735.00
Food products:	
Grocery stores, meat markets, etc.	53,438.00
Restaurants and eating places[1]	17,430.00
Beverage retailers	850.00
Confectionery stores, etc.	1,750.00
Household goods:	
Household equipment retailers[2]	40,530.00
Furniture stores	43,686.00
Hardware stores	5,030.00
Radio retailers	14,110.00
Department and general stores	109,568.00
Tobacco shops	630.00
Miscellaneous	50,644.00
Total	$572,123.00

[1] Exclusive of hotels.

[2] Such as electric refrigerators, oil burners, sweepers, furnaces and the like.

The National Association of Broadcasters

NATIONAL PRESS BUILDING ★ ★ ★ ★ ★ WASHINGTON, D. C.

PHILIP G. LOUCKS, Managing Director

NAB REPORTS

★ ★ ★ ★

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A YEAR OF RADIO ADVERTISING

July, 1933-June, 1934

With the presentation of the June report the NAB Statistical Service completes the first year of collection of comprehensive trade statistics for radio broadcasting. Established in July of last year, the service has made available for the first time in the history of the industry figures regarding not only national network advertising but of broadcast advertising placed over regional networks and individual stations.

Though the following summary of data thus far compiled by the service is for a broadcasting season rather than a calendar year, it will be of interest to those concerned with radio advertising in that it presents in detail for the first time the various phases of this highly complex field.

Total Advertising Volume

Total advertising volume during the 1933-34 broadcasting season amounted to $66,671,000. Though it is impossible to tell exactly how this figure compares with the peak of the industry, it is probable that the current season's revenues have been approximately 15.0% below that figure. Granted that the present decrease in business activity is only temporary and that local broadcast advertising begins to register gains in the fall, total radio volume in 1934 should be close to the 1931 peak.

National network volume, however, will play a more important part than in 1931, when it constituted 51.0% of total broadcast advertising. During 1933-34 this proportion rose to 55.8%. The volume of broadcast advertising from June, 1933, to July, 1934, is found in Table A.

TABLE A

BROADCAST ADVERTISING

(July, 1933-June, 1934)

Class of Business	*Gross Receipts*	*Per cent total*
National networks	$37,254,366.00	55.8%
Regional networks	550,733.00	.8%
National spot	12,603,433.00	18.7%
Local	16,258,575.00	24.3%
Total	$66,671,107.00	100.0%

Advertising by Station Power and Region

The proportion of total non-network advertising placed over various classes of stations and in different geographical districts during the period June, 1933, to July, 1934, is found in Tables B and C.

TABLE B

NON-NETWORK ADVERTISING BY POWER OF STATION

(July, 1933-June, 1934)

Power of Station	*Gross Receipts*	*Per cent total*
Over 5,000 watts	$11,234,121.00	39.0%
2,500-5,000 watts	2,699,594.00	9.4%
250-1,000 watts	11,269,101.00	39.2%
100 watts and under	3,659,759.00	12.4%
Total	$28,862,575.00	100.0%

TABLE C

NON-NETWORK ADVERTISING BY GEOGRAPHICAL DISTRICTS

(July, 1933-June, 1934)

Geographical District	*Gross Receipts*	*Per cent total*
New England-Middle Atlantic Area	$8,407,580.00	29.2%
South Atlantic-South Central Area	4,207,396.00	14.6%
North Central Area	11,044,284.00	38.3%
Pacific and Mountain Area	5,203,315.00	17.9%
Total	$28,862,575.00	100.0%

It will be found that 48.4% of total non-network advertising is placed over clear-channel and high-power regional stations, 39.2% over low-power regional stations, and 12.4% over stations in the 100-watt class. The position of this last class of stations must be materially improved if economic stability is to be achieved for them.

The New England-Middle Atlantic and North Central states receive the great bulk of non-network advertising. In so far as the basic systems of the national networks are located in this same area, they also secure the major proportion of network volume. This great area, containing 66.0% of the total population and 75.0% of all radio families in the country, accounted for 67.5% of total non-network advertising during the 1933-34 season. The South Central area, with 13.9% of total radio sets, secured 14.6% of total radio advertising, while the Pacific and Mountain area, with 11.2% of total radio sets, accounted for 17.9% of radio advertising.

Advertising by Type of Rendition

During the period July, 1933, to June, 1934, marked differences existed between national spot and local broadcast advertising with respect to type of rendition. These differences are found in Table D.

TABLE D

NON-NETWORK ADVERTISING BY TYPE OF RENDITION

(July, 1933-June, 1934)

Type of Rendition	*Gross Receipts* *National Spot*		*Local*		*Total*	
Electrical transcriptions	$4,859,849.00	38.1%	$1,309,693.00	8.1%	$6,169,542.00	21.3%
Live talent programs	4,701,878.00	37.0%	8,251,836.00	50.6%	12,953,714.00	44.7%
Records	72,733.00	.6%	549,075.00	3.4%	621,808.00	2.1%
Spot announcements	2,968,973.00	24.3%	6,147,971.00	37.9%	9,116,944.00	31.9%
Total	$12,603,433.00	100.0%	$16,258,575.00	100.0%	$28,862,008.00	100.0%

It will be noted that in the national spot field 38.1% of total volume represents electrical transcriptions, 37.0% live talent programs, and 24.3% spot announcements. The large volume of live talent national spot business is accounted for by the fact that these sponsors are largely advertisers operating in restricted areas, but still coming under the national or general classification rather than being accorded the same treatment and rates as local broadcast advertisers. The truly *national* spot advertiser is to be found principally, although not exclusively, in the electrical transcription and spot announcement fields. The composition of local broadcast advertising volume is what might be expected and therefore requires no comment.

Broadcasting Advertising Sponsors

The volume of broadcast advertising placed over stations and networks by various types of business during the period July, 1933, to July, 1934, and the proportion of that volume accounted for by each type of business is found in Tables E and F.

TABLE E
RADIO BROADCAST ADVERTISING BY TYPE OF SPONSORING BUSINESS
(July, 1933-June, 1934)

Type of Sponsoring Business	*Gross Receipts*				
	National Networks	*Regional Networks*	*National Spot*	*Local*	*Total*
1a. Amusements	—	—	$41,254.00	$595,403.00	$636,657.00
1–2. Automobiles and Accessories:					
(1) Automobiles	$2,032,006.00	$18,878.00	783,591.00	678,679.00	3,513,154.00
(2) Accessories, gasoline and oil	3,929,025.00	191,229.00	1,271,971.00	934,022.00	6,326,247.00
3. Clothing and apparel	411,797.00	11,250.00	232,431.00	1,672,747.00	2,328,225.00
4–5. Drugs and toilet goods:					
(4) Drugs and pharmaceuticals	3,524,810.00	19,736.00	2,643,215.00	1,185,448.00	7,373,209.00
(5) Toilet goods	7,342,907.00	6,450.00	1,132,621.00	301,600.00	8,783,578.00
6–8. Food products:					
(6) Foodstuffs	7,041,375.00	151,559.00	2,491,504.00	2,554,456.00	12,238,894.00
(7) Beverages	3,510,712.00	40,520.00	402,201.00	725,394.00	4,678,827.00
(8) Confections	944,950.00	2,130.00	431,212.00	63,842.00	1,442,134.00
9–10. Household goods:					
(9) Household equipment and furnishings	559,945.00	8,540.00	427,484.00	1,234,261.00	2,230,230.00
(10) Soap and kitchen supplies	1,550,984.00	6,030.00	392,464.00	152,753.00	2,102,231.00
11. Insurance and financial	851,331.00	13,568.00	152,875.00	540,085.00	1,557,859.00
12. Radios	500,694.00	—	33,664.00	99,590.00	633,948.00
13. Retail establishments	—	3,921.00	74,151.00	1,402,323.00	1,480,395.00
14. Tobacco products	3,815,115.00	—	32,734.00	36,087.00	3,883,936.00
15. Miscellaneous	1,238,715.00	76,922.00	2,060,061.00	4,081,885.00	7,457,583.00
Total	$37,254,366.00	$550,733.00	$12,603,433.00	$16,258,575.00	$66,671,107.00

TABLE F
PROPORTION OF BROADCAST ADVERTISING VOLUME BY TYPE OF SPONSORING BUSINESS
(July, 1933-June, 1934)

Type of Sponsoring Business	*National Networks*	*Regional Networks*	*National Spot*	*Local*	*Total*
1a. Amusements	—	—	.3%	3.7%	.9%
1–2. Automobiles and Accessories:					
(1) Automobiles	5.5%	3.4%	6.2%	4.2%	5.3%
(2) Accessories, gasoline and oil	10.6%	34.7%	10.1%	5.7%	9.5%
3. Clothing and apparel	1.1%	2.0%	1.9%	10.3%	3.6%
4–5. Drugs and toilet goods:					
(4) Drugs and pharmaceuticals	9.5%	3.6%	20.9%	7.3%	11.2%
(5) Toilet goods	19.7%	1.2%	8.8%	1.9%	13.2%
6–8. Food products:					
(6) Foodstuffs	18.9%	27.5%	19.7%	15.7%	18.2%
(7) Beverages	9.4%	7.4%	3.2%	4.4%	7.1%
(8) Confections	2.5%	.4%	3.4%	.4%	2.2%
9–10. Household goods:					
(9) Household equipment and furnishings	1.5%	1.6%	3.4%	7.5%	3.3%
(10) Soap and kitchen supplies	4.2%	1.1%	3.1%	.9%	3.1%
11. Insurance and financial	2.3%	2.5%	1.3%	3.3%	2.3%
12. Radios	1.3%	—	.3%	.7%	.8%
13. Retail establishments	—	.7%	.5%	8.5%	2.2%
14. Tobacco products	10.2%	—	.3%	.3%	5.8%
15. Miscellaneous	3.3%	14.0%	16.4%	25.2%	11.3%
Total	100.0%	100.0%	100.0%	100.0%	100.0%

The extremely different composition of the market for national network, regional network, national spot and local advertising is especially to be noted. In the national network field food, beverage, and confectioncry advertising accounted for 30.8% of total volume during the season; drug and toilet goods advertising 29.2%; and automotive, gasoline, and accessory advertising 16.1%. Only 23.9% of national network volume was found outside of these three categories.

In the regional network field food advertising comprised 35.3% of total volume, drug and toilet goods advertising 4.8%, and automotive, gasoline and accessory advertising 38.1%. These three groups comprised 78.2% of all regional network advertising. In the national spot field 26.3% of total advertising was accounted for by the food and allied industries, 29.7% by drug and toilet goods companies, with emphasis on the former, and 16.3% by automotive, gasoline and accessory advertisers. In the local field food advertising comprised merely 20.5% of total advertising. Drug and toilet goods advertising and automotive advertising were materially less than in other types of broadcasting. The former comprised but 9.2% and the latter 9.9% of local volume. Clothing comprised 10.3% of local volume and department store advertising 8.5%. Between 35% and 40% of local volume, it is estimated, is of retail origin.

The National Association of Broadcasters

NATIONAL PRESS BUILDING ★ ★ ★ ★ ★ WASHINGTON, D. C.

PHILIP G. LOUCKS, Managing Director

NAB REPORTS

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PREPARING FOR OCTOBER 1 HEARING

Plans are being made at NAB headquarters for the forthcoming hearing before the Federal Communications Commission on the allocation of radio broadcasting facilities to non-profit organizations. Numerous conferences have been held and within a very short time stations will be called upon to assist in the preparation of data in support of the present broadcasting system.

All stations will be asked to help in the presentation of the case and a general plan to be followed by the industry will be announced later.

OCTOBER HEARING CONVENTION TOPIC

The forthcoming hearing before the Federal Communications Commission will be one of the most important topics scheduled for discussion at the NAB Convention to be held in Cincinnati, Ohio, September 16, 17, 18 and 19. While the case will be nearing completion by that time, it will give every NAB member an opportunity to offer helpful suggestions. The interest of every commercial broadcaster is identical in this case and indications are that all will assist in the work of preparation.

SENATOR DILL TO SPEAK

Senator C. C. Dill, chairman of the Senate Committee on Interstate Commerce, has accepted an invitation to address the annual convention of the National Association of Broadcasters. Allowed to select his own subject, Senator Dill, who has long been a leader in radio legislation in the Congress, has decided to speak on news broadcasting.

COMMISSIONER DAVIS TO ADDRESS NAB

Judge Edwin L. Davis, member of the Federal Trade Commission and former chairman of the House Merchant Marine, Radio and Fisheries Committee, will be one of the principal speakers at the annual meeting of the National Association of Broadcasters. He will speak in the general topic of radio advertising and the relationship of the Federal Trade Commission to the radio industry.

WILLIAM HARD TO ADDRESS BROADCASTERS

William Hard, internationally known magazine writer and radio commentator, will address the annual meeting of the National Association of Broadcasters on the subject of radio and human liberties. Mr. Hard is the country's leading authority on the political aspects of radio and is the nation's foremost champion of a free radio. He is one of the few writers in this country who has actually made a first hand study of comparative broadcasting systems and is the best qualified person to evaluate the American system.

STUDYING 100 WATT STATION PROBLEM

A study is being made for the Federal Communications Commission by both the Engineering and Legal Divisions of the 100 watt station problem. Certain provisions are made in the new law relative to 100 watt stations and the Commission wants to have the whole picture before it prior to its laying down any general regulations in connection with these stations. It is expected, one of the members of the Commission states, that these reports will be placed before the Commission sometime in the near future.

ALABAMA NAB COMMITTEE ORGANIZES

With a 100 per cent turnout the Alabama State Committee of Broadcasters of the National Association of Broadcasters got off to an excellent start. The New York State Committee was organized more than a year ago. It is expected that similar organizations, committees with official standing under the NAB, will be created in other states for the purpose of considering state matters and making cooperation with the national body more complete. The Alabama group has embarked upon a campaign to increase the number of receiving sets in their state.

S. G. Persons, WSFA, Montgomery, was named head of the state group; B. H. Hopson, WAPI, vice president, and F. C. Moseley, WAFG, Dothan, secretary. Other officers are Steve Cisler, WSGN, Birmingham; Howard Pill, WSFA, Montgomery; and M. D. Smith, WBRC, Birmingham.

BEN FISHER RESIGNS FROM COMMISSION

Ben S. Fisher, assistant general counsel of the Federal Communications Commission since 1930, has resigned effective September 1. The Commission has accepted the resignation. He has had charge of the hearings and criminal litigation while with the Commission. During the past year Mr. Fisher has conducted a campaign of prosecuting unlicensed radio stations throughout the United States and has assisted United States attorneys in the prosecution of 35 criminal cases, in which 32 were convicted or plead guilty, and has conducted a campaign which resulted in the closing of 173 additional unlicensed radio stations throughout the country. Mr. Fisher will take up the practice of law in Washington and will be associated with the firm of Ellis, Ferguson & Houghton in the Southern Building.

COLONEL BROWN VACATIONING

Colonel Thad H. Brown, member of the Broadcasting Division of the Federal Communications Commission, left Washington on Tuesday to be gone until September 4. Colonel Brown is vacationing at Swampscott, Mass.

FREQUENCY ANNOUNCEMENTS NOT REQUIRED

The Federal Communications Commission, in an official statement, has answered a number of inquiries relative to the necessity for announcing at the beginning and end of each day's broadcasting

Make your plans now to attend the

TWELFTH ANNUAL NAB CONVENTION

NETHERLAND-PLAZA HOTEL . . . CINCINNATI, OHIO

SEPTEMBER 16, 17, 18 AND 19, 1934

that "this station is broadcasting on xx kilocycles by authority of the Federal Communications Commission" by advising that such an announcement is not necessary or required by the rules and regulations of the Commission.

CCIR MEETING AUGUST 17

Judge Eugene O. Sykes, Chairman of the Federal Communications Commission, has called a conference of the groups preparing for the third CCIR meeting (to be held in Lisbon in September, 1934) on Friday, August 17, 1934, in Room 8239, New Post Office Building, Washington, D. C.

ADVERTISING CODE HEARING POSTPONED

The National Recovery Administration announced that the public hearing on the proposed code of fair competition for the advertising agency trade, scheduled for Tuesday, August 7, will be postponed until Thursday, August 16, at 10 a. m. in the Rose Room of the Hotel Washington.

SOUTH AMERICAN ALLOCATION

According to advices from the United States Consul, transmitted via the Bureau of Foreign and Domestic Commerce, a conference is at the present time being held in Rie de Janeiro to bring about an allocation of frequencies to broadcasting stations in South America. A preliminary conference has been held in Buenos Aires in March of the current year, at which a proposal was formulated.

At the Buenos Aires conference, the South American Broadcasting Union, similar to the U. I. R. in Europe, was formed.

The allocation of clear channels to the various nations proposed at the Rio de Janeiro conference is as follows:

To Argentina:

Kilocycles	
630	910
670	950
710	990
750	1070
790	1110
830	1190
870	1230

To Brazil:

Kilocycles	
740	1020
780	1060
820	1100
860	1140
900	1260
940	1300
960	1340

To Uruguay:

570	810
650	930
730	1010
770	1050

To Chile and other countries:

600
760
840
920

To Bolivia:

1040

To Paraguay:

880

The channels considered as semi-exclusive are listed below:

Kilocycles	
720	1160
800	1170
850	1180
890	1200
960	1210
970	1220
1000	1240
1030	1250
1080	1270
1090	1280
1120	1310
1130	1320
1150	1330

One other channel remains to be included in the above, which probably will be 1290 kilocycles, which remains unclassified.

The common channels have been selected on the upper and lower ends of the band, and are to be assigned only to low powered stations, with no limitations other than of a purely local nature. The common channels are:

Kilocycles	
550	640
560	660
580	680
590	690
610	700
620	

and from 1350 to 1500 kilocycles, inclusive.

While the division of the broadcasting channels is subject to the approval of the Conference to be held at Rio de Janeiro, it is not anticipated that there will be any change.

While the meeting to be held at Rio de Janeiro from August 7th to 14th, 1934, is termed a South American Radio Broadcasting Conference, it has no official government status, but was called by the Broadcasting Association in the countries interested. These associations, however, obligate themselves to endeavor to obtain their respective countries' approval of the agreement adopted, and eventual official recognition of the South American Broadcasting Union after it is formed.

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

Tuesday, August 21, 1934

WSMB—WSMB, Inc., New Orleans, La.—Modification of license, **1320 kc.**, 1 KW., unlimited time. Present assignment: **1320 kc.**, 500 watts, unlimited time.

Wednesday, August 22, 1934

NEW—Frank Lyman, Jr., Boston, Mass.—C. P., **680 kc.**, 250 watts, limited time.

Thursday, August 23, 1934

NEW—Gino Amatucci, Latrobe, Pa.—C. P., **1210 kc.**, 50 watts, S. H.

APPLICATIONS GRANTED

KIEM—Harold H. Hanseth, Eureka, Calif.—Granted consent to voluntary assignment of license to Redwood Broadcasting Co., Inc.

WNAX—The House of Gurney, Inc., Yankton, S. D.—Granted renewal of license; **570 kc.**, 1 KW night, 2½ KW LS, unlimited. Also granted renewal for auxiliary transmitter.

WAAF—Drovers Journal Publishing Co., Chicago, Ill.—Granted renewal of license; **920 kc.**, 500 watts, daytime.

KMLB—Liner's Broadcasting Station, Inc., Monroe, La.—Granted modification of C. P. extending completion date to Sept. 1, 1934.

WDRC—WDRC, Inc., Hartford, Conn.—Granted modification of C. P. extending completion date from Aug. 27 to Sept. 27, 1934.

WTCN—Minnesota Broadcasting Corp., Minneapolis, Minn.—Granted modification of C. P. extending completion date from Sept. 1 to Dec. 1, 1934.

KGEK—Elmer C. Boehler, Yuma, Colo.—Granted C. P. to move transmitter and studio from Yuma to Sterling, Colo., and make minor changes in equipment.

KOIN—KOIN, Inc., Portland, Ore.—Granted modification of C. P. to make changes in equipment and extend commencement date from Sept. 15 to Dec. 15, 1934.

SPECIAL AUTHORIZATIONS

WCAC—Conn. State College, Storrs, Conn.—Granted extension of special temporary authority to remain silent from Sept. 1 to Oct. 1, 1934.

WCAE—Superior Broadcasting Service, Inc., Carthage, Ill.—Granted special temporary authority to operate from 3:30 to 4:30 p. m., CST, Aug. 15, 16, 17, 18, and 19.

KGBZ—KGBZ Broadcasting Co., York, Nebr.—Granted special temporary authority to operate with additional 500 watts power at night for a period ending at commencement of program tests as authorized by C. P., but not later than Oct. 1, 1934.

WDAE—Tampa Times Company, Tampa, Fla.—Granted special temporary authority to operate without antenna meter for period of 30 days.

WMBH—Joplin Broadcasting Co., Joplin, Mo.—Granted special temporary authority to operate without final stage high voltage meter, pending repair of this instrument, for period of not more than 15 days.

WACO—Central Texas Broadcasting Co., Inc., Waco, Tex.—Granted special temporary authority to operate from 10:30 p. m., to 12 midnight, CST, Aug. 24 and 25, 1934.

WHDF—The Upper Michigan Broadcasting Co., Calumet, Mich.—Granted special temporary authority to operate from 6:30

to 9 p. m., CST, Sept. 10; from 6:30 p. m. to 12 midnight, CST, Sept. 11, and from 12 midnight to 2 a. m., CST, Sept. 12.

WJAR—The Outlet Company, Providence, R. I.—Granted extension of special temporary experimental authority to operate with additional 250 watts power during nighttime for period beginning 3 a. m., EST, Sept. 1, and ending not later than March 1, 1935, subject to withdrawal or termination by the Commission, without prior notice or hearing in event objectionable interference is caused.

WREC—WREC, Inc., Memphis, Tenn.—Granted extension of special experimental authority to operate with additional power of 500 watts night and 1½ KW daytime, for period beginning 3 a. m., EST, Sept. 1, and ending not later than March 1, 1935.

WMC—WMC, Inc., Memphis, Tenn.—Granted extension of special experimental authority to install new equipment and operate with additional power of 500 watts night, 1½ KW daytime, for period beginning 3 a. m., EST, Sept. 1 and ending 3 a. m., EST, March 1, 1935.

WEAN—Shepard Broadcasting Service, Inc., Providence, R. I.—Granted extension of special experimental authority to operate with additional 250 watts power during nighttime for period Sept. 1 to March 1, 1935.

WMT—Waterloo Broadcasting Co., Waterloo, Iowa—Granted extension of special temporary authority to install new equipment and operate with additional power of 500 watts night and 1½ KW day, for term Sept. 1, 1934, to March 1, 1935.

SET FOR HEARING

WEHC—Community Broadcasting Corp., Charlottesville, Va.—C. P. to make changes in equipment; change frequency power and hours from **1330 kc.,** 500 watts, daytime to **1420 kc.,** 100 watts night, 250 watts LS, unlimited time.

NEW—Harold Rieth, Goshen, Ind.—C. P. (General Experimental) **1614, 3492.5, 4797.5, 6425 kc.,** 30 watts. (For visual broadcasting.)

MISCELLANEOUS

NEW—The Evening News Assn., Detroit, Mich.—Granted C. P. (Temporary broadcast pickup), **2150 kc.,** 50 watts.

W1XBS—American-Republican, Inc., Waterbury, Conn.—Granted modification of C. P. extending completion date from Sept. 11 to Nov. 11, 1934.

KSD—The Pulitzer Publishing Co., St. Louis, Mo.—Granted modification of C. P. extending commencement date to Aug. 30, 1934, and completion date to Nov. 29, 1934. Also dismissed without prejudice, special experimental authority to increase night power from 500 watts to 1 KW.

WCSH—Congress Square Hotel, Portland, Maine—Granted petition to intervene in application of Portland Broadcasting System, for new station at Portland, Maine.

NEW—H. E. Studebaker, Walla Walla, Wash.—Application for C. P. to erect new station to operate on **1420 kc.,** 100 watts, reinstated on hearing docket.

KMPC—Beverly Hills Broadcasting Corp., Beverly Hills, Calif.—Granted renewal of license.

WBBZ—C. L. Carroll, Ponca City, Okla.—Granted special temporary authorization to Howard Johnson as representative of estate of C. L. Carrell, deceased, to operate WBBZ until Jan. 1, 1935.

KMBC—Midland Broadcasting Co., Kansas City, Mo.—Denied petition to intervene in proceedings with reference to the application of WHB Broadcasting Company for special experimental authority to operate on **1120 kc.,** 500 watts from local sunset to midnight (except time when WTAW is operating).

WNBO—John Brownlee Spriggs, Silver Haven, Pa.—Hearing on application for renewal of license and for assignment of license to the Voice of Southwestern Pennsylvania, Inc., to be held at Washington, Pa. An attorney and Examiner authorized to conduct hearing at date to be determined.

KFPL—C. C. Baxter, Dublin, Tex.—Granted regular renewal of license as application of Sam Morris for new station has been amended to omit request for facilities of KFPL.

KECA—Earle C. Anthony, Inc., Los Angeles, Calif.—Application for modification of license, which was amended with respect to power and apparatus, redesignated for hearing to be heard upon issues shown in the bill of particulars dated Aug. 3.

RATIFICATIONS

WJER—The Journal Company, Milwaukee, Wis.—Granted temporary authority to operate broadcast pickup station August 14 to 19, on 1606, **2102 kc.,** 7½ watts; and on August 24 and 28.

KTSA—Southwest Broadcasting Co., San Antonio, Tex.—Extended special temporary experimental authority to operate on **550 kc.,** with 1 KW night, 2½ KW day, for period August 8 to 15, inclusive.

WOW—Woodmen of the World Life Insurance Asso., Omaha, Neb.—Granted special temporary authority to operate a 100 watt portable transmitter between 12 midnight and 6 a. m., CST, for period beginning Aug. 7 and ending Aug. 28, to determine site for new transmitter of WOW.

WINS—American Radio News Corp., New York, N. Y.—Granted special temporary authority to use portable 50-watt transmitter on frequency **1180 kc.,** between 1 and 6 a. m., EST, for period not to exceed 30 days.

KNAZ—Henry T. Hollwedel, Aboard Yacht "ADORE"—Granted special temporary authority to operate station as a broadcast pickup station on frequency **2190 kc.,** for period August 8 to 18.

WJER—The Journal Co., Milwaukee, Wis.—Granted authority to operate broadcast pickup station on **1602** or **2102 kc.,** 7½ watts, at Wisconsin State Fair, August 25 to 31, 1934.

WJEP—Stromberg-Carlson Tel. Mfg. Co., Rochester, N. Y.—Granted authority to operate broadcast pickup station on **1622** or **2150 kc.,** 100 watts, August 10 to 20.

WMBH—Joplin Broadcasting Co., Joplin, Mo.—Modified special temporary authority to operate from 2:30 p. m. to 7:30 p. m., CST, Aug. 5, 12, and from 9:30 to 10:30 p. m. or later, CST, Aug. 3, 4, 5, 9, 10, 11, 12, 14, 21, 22, 23, 30 and 31, and from 2 to 6 p. m., CST, Aug. 13.

KPCB—Queen City Broadcasting Co., Seattle, Wash.—Extended special temporary authority to operate without approved frequency monitor for period Aug. 11 to Aug. 25.

WFBC—Greenville News-Piedmont Co., Greenville, S. C.— Special temporary authority to remain silent pending rebuilding of station as authorized by C. P., but not longer than Oct. 5, 1934.

W1XBS—American Republican, Inc., Waterbury, Conn.—Granted modification of C. P. approving transmission site at Prospect Township, New Haven County, Conn.

APPLICATIONS RECEIVED

First Zone

WHDL—Tupper Lake Broadcasting Co., Inc., Tupper Lake, N. Y.—Construction permit to move station to Olean, N. Y., and make changes in equipment.

WLBZ—Maine Broadcasting Co., Inc., Bangor, Maine—Construction permit to make changes in equipment and increase power from 500 watts to 500 watts night, 1 KW daytime.

WFEA—New Hampshire Broadcasting Co., Manchester, N. H.—License to cover construction permit, as modified, authorizing erection of broadcast station to be operated on **1340 kc.,** 500 watts, unlimited time.

WNEL—Juan Piza, San Juan, Perto Rico—Modification of construction permit authorizing erection of new station requesting change of transmitter site and extension of commencement and completion dates.

WWRL—Long Island Broadcasting Corp, Woodside, N. Y.—License to cover construction permit authorizing changes in equipment and increase in daytime power.

Second Zone

NEW—Ohio Valley Broadcasting Corp., Parkersburg, West Va.—Construction permit to erect a new broadcast station to be operated on **1120 kc.,** 100 watts, unlimited time.

WPEN and WRAX—Wm. Penn Broadcasting Co., and WRAX Broadcasting Co., Philadelphia, Penna.—License to cover construction permit authorizing erection of a new transmitter at Philadelphia for operation on **920 kc.,** 250 watts night, 500 watts daytime, sharing time.

WTEL—Foulkrod Radio Engineering Co., Philadelphia, Penna.—Construction permit to install new equipment; directional antenna, change frequency from **1310** to **1230 kc.,** increase power from 100 watts to 250 watts night, 500 watts daytime, and increase hours of operation from sharing with WHAT to unlimited.

WMBG—Havens and Martin, Inc., Richmond, Va.—Construction permit to install new equipment and increase power from 100 watts to 100 watts night, 250 watts daytime.

Third Zone

WBBZ—Estate of C. L. Carrell, deceased, Ponca City, Okla.—Construction permit to move station locally.

NEW—Carolina Radio, Inc., Anderson, S. Car.—Construction permit to erect a new broadcast station to be operated on **1200 kc.**, 100 watts, unlimited time, amended to request 250 watts daytime.

KADA—C. C. Morris, Ada, Okla.—Modification of construction permit authorizing erection of new station requesting approval of transmitter site, move of studio, equipment change and extension of commencement and completion dates.

WALA—Pape Broadcasting Corp., Inc., Mobile, Ala.—License to cover construction permit to move transmitter to Mobile, Ala., and equipment changes.

WALA—Pape Broadcasting Corp., Inc., Mobile, Ala.—Modification of license to increase power from 500 watts to 500 watts night, 1 KW daytime.

WMC—WMC, Inc., Memphis, Tenn.—Extension of special experimental authorization to operate with additional power of 500 watts night, 1½ KW daytime—directional antenna for the period Sept. 1, 1934, to March 1, 1935.

KGKL—KGKL, Inc., San Angelo, Tex.—Construction permit to install new equipment, change frequency from **1370** to **940 kc.**, increase power from 100 watts night, 250 watts daytime to 500 watts night, 1 KW daytime.

Fourth Zone

NEW—WHBY, Inc., Portable.—Construction permit to erect a new broadcast pickup station to be operated on **1622, 2060, 2150, 2790, 31600** and **36600 kc.**, 7.5 watts.

NEW—Norman, Baker, Muscatine, Iowa.—Construction permit to erect a new broadcast station to be operated on **1170 kc.**, 5 KW, limited time (5:30 a. m. to local sunset and midnight to 3 a. m.).

WCRW—Clinton R. White, Chicago, Ill.—Construction permit to install new equipment.

WHBF—Rock Island Broadcasting Co., Rock Island, Ill.—Construction permit to move the transmitter locally, install new equipment and increase power from 100 watts to 100 watts night, 250 watts daytime.

KWCR—Cedar Rapids Broadcast Co., Cedar Rapids, Iowa—Modification of construction permit authorizing consolidation of WIAS and KWCR, installation of new equipment, change of frequency to **1430 kc.** and increase in power requesting changes in equipment and extension of commencement and completion dates.

WMAQ—National Broadcasting Co., Inc., Chicago, Ill.—Modification of construction permit authorizing installation of new equipment, move of transmitter and increase in power to 50 kilowatts requesting an extension of commencement and completion dates.

W9XK—State University of Iowa, Iowa City, Iowa.—Modification of license of visual broadcast station for additional 5 to 10 meter band, 100 watts, **2000-2100 kc.**

WSUI—State University of Iowa, Iowa City, Iowa—Modification of broadcast license to increase power from 500 watts to 500 watts night, 1 KW daytime and hours of operation from specified to unlimited.

KSO—Iowa Broadcasting Co., Des Moines, Iowa—Authority to determine operating power by direct measurement of antenna power.

KOIL—Mona Motor Oil Company, Council Bluffs, Iowa—Modification of construction permit authorizing move of transmitter, installation of new equipment and increase in power requesting approval of transmitter site, changes in equipment and extension of commencement and completion dates.

NEW—Paul Q. Callister, Salt Lake City, Utah—Construction permit to erect a new broadcast station to be operated on **1370 kc.**, 100 watts, unlimited time.

KSD—The Pulitzer Publishing Co., St. Louis, Mo.—Modification of license to change hours of operation from sharing with KFUO to unlimited time. (Facilities of KFUO.)

KFUO—Evangelical Lutheran Synod of Missouri, Ohio and other states, Rev. R. Kretzschmar, Chairman, Board of Control of Concordia Seminary, Clayton, Mo.—Modification of license to change frequency from **550 kc.** to **640 kc.**, increase power from 500 watts night, 1 KW daytime to 1 KW until sunset at Los Angeles and hours of operation from sharing with KSD to specified (hours during daytime not used by WOI and to operate from local sunset to sunset at Los Angeles, Calif.). (Part of the facilities of WOI.)

WKBV—William O. Knox, trading as Knox Battery and Electric Co., Richmond, Ind.—Voluntary assignment of license to Knox Radio Corporation.

WREN—Jenny Wren Company, Lawrence, Kans.—Voluntary assignment of licence to The WREN Broadcasting Company.

WISN—American Radio News Corp., Milwaukee, Wis.—Construction permit to move transmitter to Wauwatosa, Wis., and change to vertical radiator.

Fifth Zone

KLZ—The Reynolds Radio Co., Inc., Denver, Colo.—Modification of construction permit authorizing removal of transmitter, installation of new equipment and increase in daytime power requesting approval of present licensed location for transmitter site and extension of commencement and completion dates.

KGDM—E. F. Peffer, Stockton, Calif.—Construction permit to move transmitter and studio, install new equipment, increase power from 250 watts to 1 KW and hours of operation from daytime to unlimited time, amended to change proposed transmitter site.

NEW—Radio Service, Inc., Riverside, Calif.—Construction permit to erect a new broadcast station to be operated on **820 kc.**, 100 watts, daytime.

KSM—Oregon Radio, Inc., Salem, Oregon—Modification of construction permit for new station to be operated on **1370 kc.**, 100 watts, daytime, requesting change of transmitter site and change of equipment and extend commencement and completion dates.

KXL—KXL Broadcasters, Portland, Ore.—License to cover construction permit for change of equipment and increase in daytime power.

NEW—Louis H. Callister, Provo, Utah—Construction permit to erect a new broadcast station to be operated on **1200 kc.**, 100 watts, unlimited time.

KPPC—Pasadena Presbyterian Church, Pasadena, Calif.—Modification of license to increase power from 50 watts to 100 watts.

NEW—A. H. Sconberg, Salinas, Calif.—Construction permit to erect a new broadcast station to be opearted on **1500 kc.**, 100 watts, unlimited time.

APPLICATIONS RETURNED

WFLA-WSUN—Clearwater Chamber of Commerce and St. Petersburg Chamber of Commerce, Clearwater, Fla.—Special experimental authorization to operate on **640 kc.**, 5 KW, directional antenna. (Filed on obsolete form)

KMED—Mrs. W. J. Virgin, Medford, Ore.—License to cover construction permit for changes in equipment and increase in power. (Filed on obsolete form.)

WGAL—WGAL, Inc., Lancaster, Pa.—License to cover construction permit to change equipment and increase daytime power. (Incomplete and Section 1.)

WJW—WJW, Inc., Akron, Ohio—Construction permit to make changes in equipment and increase daytime power from 100 watts to 250 watts. (Rule 6 and Notary's seal omitted.)

WLBZ—Maine Broadcasting Co., Inc., Portland, Maine—Construction permit to make changes in equipment and increase daytime power from 500 watts to 1 KW. (Questionable equipment and alternate transmitter sites specified.)

NEW—Ohio Valley Broadcasting Corp., Parkersburg, W. Va.—Construction permit to erect a new broadcast station to be operated on **1120 kc.**, 100 watts, unlimited time. (Rule 120 and questionable transmitter site.

The National Association of Broadcasters

NATIONAL PRESS BUILDING ★ ★ ★ ★ ★ WASHINGTON, D. C.

PHILIP G. LOUCKS, Managing Director

NAB REPORTS

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AUGUST 22, 1934

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PREPARING FOR OCTOBER 1 HEARINGS

Enclosed with this issue of NAB Reports is a statement outlining generally the type of testimony which all NAB stations should prepare for the forthcoming October 1 hearings before the Federal Communications Commission. Each station should begin at once to assemble the information called for in the statement in order that the preparation of the case for the industry may go forward with the greatest possible haste.

The hearing is of the greatest importance and while the NAB will do its part it cannot successfully present the vast amount of data which are required unless each and every member does its part. Get your staff busy at once digging up the facts outlined in the statement.

BELLOWS TO ASSIST IN HEARING

Henry A. Bellows, member of the Board of Directors of the NAB and chairman of the Legislative Committee, has resigned as vice president of the Columbia Broadcasting System and has volunteered his services in connection with the October 1 hearings before the Federal Communications Commission. He will remain in Washington and has agreed to devote his time chiefly to the preparation of the case on behalf of the broadcasting industry before the Federal Communications Commission. The availability of Mr. Bellows' services to the Association during the present emergency period is welcomed by the industry, and as chairman of the NAB Legislative Committee he has been active in all legislative matters affecting broadcasting for the last seven or eight years.

CONVENTION PLANS NEARING COMPLETION

Plans for the Twelfth Annual Convention of the NAB to be held at Netherland-Plaza, Cincinnati, Ohio, September 16, 17, 18 and 19 are nearing completion.

The convention will open with the annual NAB Golf Championship Tournament to be held at the Twin Oaks Country Club, Latonia, Ky., at 11 a. m., Sunday, September 16

Railroads have granted reduced fares to all delegates and their families attending the meeting.

At the close of the Monday afternoon session a stag party is being planned by the local Convention Committee headed by Powel Crosley. The Committee is also making elaborate plans for entertainment at the annual banquet to be held at the Netherland-Plaza on Tuesday night.

Just as the program is completed advance copies will be sent to all members.

CONVENTION LIMITED TO NAB MEMBERS

Departing from the custom followed in previous years the September Convention of the NAB will be limited to members in good standing. In order that enrolment and voting may be expedited the Managing Director this week sent to every NAB member a letter setting forth the provision of the By-Laws relating to representation at meetings and requesting that all members designate delegates and alternates upon a post card prepared for that purpose. Give this your immediate attention so that official voting lists can be made up by the Credentials Committee in advance of the elections.

ELECTIONS TO BE HELD TUESDAY

Annual election of officers and directors of the NAB will be held on Tuesday, September 18. A special memorandum was sent to all NAB members by the Managing Director this week setting forth the provision of the By-Laws governing elections.

The terms of President McCosker, First Vice President Fitzpatrick, Second Vice President Shepard and Treasurer Levy expire at the time of the convention. Also the terms of Directors Bellows, Craney, Damm, Ryan, Gedge and Myers expire. The latter was chosen by the Board to fill the vacancy created by the resignation of Leo B. Tyson last year and until the next annual membership meeting. Therefore, five directors are to be chosen for the three-year term and one for a one-year term.

The term of the Managing Director also expires with the September meeting.

FRED WILLIS TO ADDRESS NAB

Fred Willis, Executive Office, Columbia Broadcasting System, New York, will address the NAB Convention at Cincinnati, Ohio, Wednesday, September 19. Mr. Willis' subject will be entitled "Widening Horizons—A Conception of the Opportunities, Responsibilities and Problems of Education by Radio."

DIVISION ADMINISTRATOR ROSENBLATT ACCEPTS

Sol A. Rosenblatt, division administrator of the National Recovery Administration, will address the Cincinnati meeting of the NAB on Tuesday afternoon, September 18. Administrator Rosenblatt is in charge of all amusement codes for the NRA and his address will deal with coordination among amusement industries.

PLANS FOR CODE MEETING COMPLETE

Plans for the first meeting of the participants in the code of fair competition for the radio broadcasting industry are virtually complete, according to James W. Baldwin, executive officer of the Code Authority.

The meeting, which will be held immediately following the NAB Convention at the Netherland-Plaza on Thursday, September 20, offers the greatest opportunity for a discussion of trade practices ever afforded the industry.

Make your plans now to attend the

TWELFTH ANNUAL NAB CONVENTION

NETHERLAND-PLAZA HOTEL . . . CINCINNATI, OHIO

SEPTEMBER 16, 17, 18 AND 19, 1934

Mr. Baldwin stated this week that 388 stations are eligible to attend the code meeting and participate in the proceedings. Eligibility is based upon compliance with the code which includes the payment of at least the first three quarterly assessments to defray cost of administration.

DR. JOLLIFFE APPOINTED CHIEF ENGINEER

Dr. C. B. Jolliffe was named Chief Engineer and E. J. Jett, A. D. Ring and W. G. H. Finch, Assistant Chief Engineers.

Dr. Jolliffe served as Chief Engineer of the Federal Radio Commission from March 1, 1930, until it was abolished by the creation of the Federal Communications Commission July 11, 1934. Since then he has been Chief Engineer of the Communications Commission serving on a temporary basis.

For several years Mr. Ring was Senior Engineer in the Broadcast Section of the Federal Radio Commission and Mr. Jett was an Assistant Chief Engineer.

Mr. Finch has been Chief Engineer of the American Radio News Corporation and has been a Consulting Engineer in New York. He holds several patents on tele-typewriting.

V. Ford Greaves, who has been an Assistant Chief Engineer, was transferred to San Francisco to serve in the Field Force.

All the other engineers who were employed by the Federal Radio Commission were re-employed on a permanent basis and several of them were given promotions.

Paul Lion of Charleston, S. C., James P. Buchanan of Texas, and B. J. Shimeall, of the Bureau of Aeronautics, were added to the Engineering Staff. Col. Davis Arnold was transferred from the Veterans Bureau to the Commission's Law Department at the same grade and salary.

All the other employees of the Commission who have been serving on a temporary basis were placed on a permanent basis.

McNARY TO ATTEND LISBON MEETING

Although the United States delegation has not as yet been officially designated, final preparations are under way for U. S. representation at the 1934 conference of the Comite Consultatif International Radiocommunications (CCIR), to be held in Lisbon in September. It is reliably reported that Dr. J. H. Dellinger, Chief of the Bureau of Standards Radio Section, will be the chairman of the United States delegation. Dr. Dellinger will be assisted by Capt. S. C. Hooper (U. S. Navy), Major Roger B. Colton (U. S. Army), Gerald C. Gross (Federal Communications Commission), and William V. Whittington (State Department).

There will be no official technical advisors to the delegation, although several operating companies will be represented. The interests of the National Association of Broadcasters and its members will be promoted by J. C. McNary, NAB Technical Director. It is understood that among others to be present are Lloyd Briggs, of the RCA London office; Lloyd Espenschied, A. T. & T. Co.; R. A. Heising, Bell Telephone Laboratories; K. B. Warner and James J. Lamb, American Radio Relay League; and Paul Goldsborough, Aeronautical Radio, Inc.

The delegation will sail from New York on September 12. The conference begins September 22 and is scheduled to continue through October 10.

The CCIR meets at approximately five-year intervals for the purposes of considering the progress of the radio art and for recommending to the international radio conferences, the next of which will be held in Cairo in 1937, technical bases for changes, revisions, and additions to the international radio law.

Among the subjects for discussion at the Lisbon conference will be the allocations of frequencies to services (including broadcasting), single side band transmission, synchronous operation and directional antennas as means of reducing international interference or of increasing capabilities of channels, standards of field intensity measurement, and a number of other subjects affecting radio communications internationally.

The opinions of the CCIR are recommendatory to the various nations and to the international conferences. Due, however, to the large amount of professional attention afforded CCIR proposals, considerable weight is given to all CCIR opinions.

MAY REPORT DELINQUENT STATIONS

While expressing satisfaction at the response of stations and networks to the request for commercial continuities, Judge Ewin Davis, member of the Federal Trade Commission, pointed out that a few stations failed to cooperate with the Commission. Judge Davis said the Trade Commission would keep an eye on these delinquent stations and will keep the Federal Communications Commission fully posted of the situation.

INJUNCTION SOUGHT AGAINST COMMISSION

Denial by the Federal Communications Commission of the petition of Station WREN, Lawrence, Kansas, to intervene in the application of Station WHB, Kansas City, Mo., for experimental operation with unlimited time on 1120 kilocycles with 500 watts power, resulted in the filing of an equity suit in the Supreme Court for the District of Columbia last week. The suit asks that the Commissioners be enjoined from holding a hearing on the application of Station WHB in which Station WREN is not permitted to be present and participate.

The bill of complaint raises two points of unusual interest to broadcasters. In the first place the bill bases the right of Station WREN to intervene on economic grounds, alleging that if WHB were permitted to increase its facilities it would effect the audience, talent and revenue of the complaining station. The bill also states that experimental authority is in fact regular authority and asks that the court consider it as such authority.

SYKES ON VACATION

Judge Sykes, chairman of the Federal Communications Commission, will leave on a short vacation on August 24. He will go to his home at Jackson, Miss., returning about September 1st.

STATIONS MUST FURNISH OWNERSHIP DATA

Pursuant to the provisions of Section 310 (b) of the Communications Act of 1934 (approved June 19, 1934), It Is Ordered, that the licensees of all radio broadcast stations (including all special or general experimental, visual broadcast, relay broadcast or broadcast stations) shall, on or before September 1, 1934, file with the Commission verified statements showing the following information, as of July 15, 1934:

1. If the licensee is a corporation—
   a. A list of the stockholders of record, together with the address and the amount of stock held by each;
   b. Whether the stock is voted by a person other than the record holder, and if so, copy of the agreement or other instrument authorizing same;
   c. A list of the officers and directors of said corporation, together with their addresses and the amount of stock held by each;
   d. Any other arrangement or agreement with any person or corporation which may affect the conduct or control of the business of the licensee corporation.
2. If the licensee is a partnership, association, organization, or company (other than a corporation)—
   a. A list of the persons or corporations owning any interest therein, the amount of interest held by each person or company, and their addresses;
   b. A list of the officers and directors, and their addresses.

It Is Further Ordered, that the licensee shall inform the Commission of any changes subsequent to July 15, 1934, in the ownership of stock in the licensee corporations (or of the issuance of additional shares of stock and to whom issued), or any changes in the ownership of licensee-partnerships, associations, organizations or companies.

The Secretary is hereby instructed to furnish appropriate forms for the furnishing of the information above ordered.

RECEPTION FOR COMMISSION

A reception and dinner was tendered on Tuesday night by the American Section of the International Committee on Radio for the members of the Federal Radio Communications Commission at the University Club, Washington. The purpose of the affair was the meeting of the new members of the Commission by the members of the radio organization. Part of the program was broadcast by NBC.

FCC FREQUENCY MEASUREMENTS

During the month of July broadcast measurements were made of 545 stations, with 38 stations not being measured according to the Engineering Division of the Federal Communications Commission.

Of this number 365 stations had a maximum deviation within 0-10 cycles; 142 stations within 11-25 cycles; 33 stations within 26-50 cycles and 5 stations over 50 cycles.

FEDERAL COMMUNICATIONS COMMISSON ACTION

APPLICATIONS GRANTED

WJEJ—Hagerstown Broadcasting Co., Hagerstown, Md.—Granted
1210 C. P. to move transmitter locally in Hagerstown.

KGIX—J. M. Heaton, Las Vegas, Nev.—Granted modification of
1420 C. P. to make changes in equipment, extend commencement date to Oct. 2, and completion date to Dec. 2, 1934.

KQW—Pacific Agricultural Foundation, Ltd., San Jose, Cal.—
1010 Granted modification of C. P. to change equipment and extend commencement date to Nov. 1, 1934, and completion date to Jan. 1, 1935.

KJBS—Julius Brunton & Sons Co., San Francisco, Cal.—Granted
1070 modification of C. P. to change equipment and extend commencement date to Nov. 1, 1934, and completion date to Jan. 1, 1935.

KWCR—Cedar Rapids Broadcast Co., Cedar Rapids, Ia.—Granted
1430 modification of C. P. to change equipment and extend commencement date to Nov. 1, 1934, and completion date to Dec. 1, 1934.

WMAQ—National Broadcasting Co., Inc., Chicago, Ill.—Granted
670 modification of C. P. extending commencement date to Oct. 4 and completion date to Dec. 4, 1934.

WTOC—Savannah Broadcasting Co., Inc., Savannah, Ga.—Granted
1260 license covering installation of temporary transmitter to be employed while construction of new permanent transmitter. **1260 kc.,** 100 watts, unlimited.

KEX—Oregonian Publishing Co., Portland, Ore.—Granted license
1180 covering local move of transmitter and changes in equipment; **1180 kc.,** 5 KW simultaneously D, S-KOB night.

WDAS—WDAS Broadcasting Station, Inc., Philadelphia, Pa.—
1370 Granted license covering move of transmitter and studio locally and installation of new equipment (which was formerly equipment of WPEN). **1370 kc.,** 100 watts, 250 watts, LS, unlimited time.

KSO—Iowa Broadcasting Co., Des Moines, Ia.—Granted license
1320 covering new equipment and changing frequency and power; **1320 kc.,** 250 watts, 500 watts, LS, unlimited.

WQBC—Delta Broadcasting Co., Inc., Vicksburg, Miss.—Granted
1360 modification of license to change hours of operation from specified to daytime. Station operates on **1360 kc.,** 500 watts night, 1 KW, LS.

W1XG—General Television Corp., Boston, Mass.—Granted license (experimental visual broadcasting), **42000-56000, 60000-86000 kc.,** 500 watts.

W8XO—The Crosley Radio Corp., Mason, Ohio—Granted renewal of license (experimental special exp.), **700 kc.,** 500000 watts; 1 to 6 a. m., EST.

RENEWAL OF LICENSES

WQDM—Regan and Bostwick, St. Albans, Vt.—Granted renewal
1370 of license for period ending Jan. 1, 1935.

WMMN—A. M. Rowe, Inc., Fairmont, W. Va.—Granted renewal
890 of license on temporary basis subject to such action as the Commission may take on pending application for renewal.

KTAR—KTAR Broadcasting Co., Phoenix, Ariz.—Granted exten-
620 sion of special temporary experimental authority to operate with 300 watts night in addition to regular license, pending final decision on application for modification of license, but not later than March 1, 1935.

KTM—Pickwich Broadcasting Corp., Los Angeles, Cal.—Special
780 temporary authority to operate on **780 kc.,** 500 watts night, 1 KW-LS; share with KELW; KTM ⅔ time, KELW ⅓ time, was extended pending decision by the Court of Appeals of the District of Columbia, but not later than March 1, 1935.

KELW—Magnolia Park, Ltd., Burbank, Cal.—Special temporary
780 authority to operate on **780 kc.,** 500 watts; shares with KTM; KTM ⅔ time, KELW ⅓ time, was extended pending decision by the Court of Appeals of the District of Columbia, but not later than March 1, 1935.

SET FOR HEARING

WBIG—North Carolina Broadcasting Co., Inc., Greensboro, N. C.
1440 —Modification of license to increase night power from 500 watts to 1 KW.

WIBG—WIBG, Inc., Glenside, Pa.—Modification of license to
970 change hours from daytime to daytime until LS at Chicago, giving one night hour.

W9XBY—First National Television Inc., Kansas City, Mo.—Modi-
1530 fication of C. P. extending completion date from Sept. 11 to Dec. 11, 1934. (**1530 kc.,** 1 KW, unlimited.)

MISCELLANEOUS

KSD—Pulitzer Publishing Co., St. Louis, Mo.—Granted permission to withdraw protest to the granting of application for a new station at Staunton, Va.

NEW—Tri-State Radio Inc., Washington, Pa.—Application for new station, heretofore set for hearing, was dismissed without prejudice.

KGVO—Mosby's Inc., Missoula, Mont.—Special experimental authority, **950 kc.,** 500 watts, unlimited, application heretofore set for hearing, was dismissed at request of applicant.

KSTP—National Battery Broadcasting Corp., St. Paul, Minn.—Hearing on application for modification of license continued at request of applicant for period of 30 days from Sept. 7, 1934. The date to be fixed by Docket Section.

NEW—Samuel Nathaniel Morris, Stamford, Tex.—Application for new station to operate on **1200 kc.,** 100 watts, unlimited time, again designated for hearing upon issues shown in the bill of particulars in the case dated today.

NEW—Tallahassee Broadcasting Co., Tallahassee, Fla.—Application for new station to operate on **1310 kc.,** 100 watts day and night, unlimited time, heretofore designated for hearing, was postponed for 30 days from Aug. 30.

WLBF—WLBF Broadcasting Co., Kansas City, Mo.—Denied petition to intervene in hearing upon application of WHB for special experimental authority.

WDAF—Kansas City Star Co., Kansas City, Mo.—Denied petition to reconsider action taken on Aug. 7, 1934, refusing licensee of WDAF permission to intervene in the proceedings to be held in re application of WHB for special authorization.

WSPA—Virgil V. Evans, Spartansburg, S. C.—The Commission accepted the amendment to the application of Virgil V. Evans (Docket 2269), removed application from hearing docket and granted the application as amended.

KTSA—Southwest Broadcasting Co., San Antonio, Tex.—Authorization to operate on **550 kc.,** 1 KW night and 2½ KW day, extended to Oct. 1. Hearing on application cancelled and removed from hearing Docket.

APPLICATIONS RECEIVED

First Zone

WNBX—WNBX Broadcasting Corp., Springfield, Vermont—Con-
1260 struction permit to install new equipment, increase power from 500 watts to 1 KW and hours of operation from daytime to daytime to sunset at Erie, Penna.

NEW—Eastland Co., Portland, Maine.—Construction permit to
640 erect a new broadcast station to be operated on **640 kc.,** 100 watts, daytime to sunset at Cleveland, but if application for WJAY for **640 kc.,** denied daytime to sunset at Los Angeles, Calif. (Facilities WRDO)

WORC—Alfred Frank Kleindienst, Worcester, Mass.—Extension
1280 of special experimental authorization to operate on **1280 kc.,** 500 watts, unlimited time for period of 90 days.

WORC—Alfred Frank Kleindienst, Worcester, Mass.—Modifica-
640 tion of license to change frequency from **1200 kc.** to **640 kc.,** and increase power from 100 watts to 500 watts.

WAAB—Bay State Broadcasting Corp., Boston, Mass.—Construc-
640 tion permit to move transmitter, install new equipment, change frequency from **1410 kc.** to **640 kc.,** and increase power from 500 watts to 5 KW.

Second Zone

WDBO—Orlando Broadcasting Co., Inc., Orlando, Fla.—Extension
580 of special experimental authorization to operate with additional power of 750 watts during daytime for period 9-1-34 to 3-1-35.

WGLC—Adirondack Broadcasting Co., Inc., Albany, N. Y.—Con-
1370 struction permit to move station from Hudson Falls to Albany, New York, amended to request a different site in Albany.

WGAL—WGAL, Inc., Lancaster, Penna.—License to cover con-
1500 struction permit authorizing changes in equipment and increase in daytime power.

WGBI—Scranton Broadcasters, Inc., Scranton, Penna.—Extension
880 of special experimental authorization to operate with an additional power of 250 watts for the period 9-1-34 to 3-1-35.

NEW—Ohio Valley Broadcasting Corp., Parkersburg, W. Va.—
1420 Construction permit to erect a new broadcast station to be operated on **1420 kc.**, 100 watts, unlimited time.

WRAK—WRAK, Inc., Williamsport, Penna.—Modification of con-
1370 struction permit authorizing removal of transmitter, requesting installation of new equipment, increase in power from 100 watts to 100 watts night, 250 watts day, and extension of commencement and completion dates.

Third Zone

KGKO—Wichita Falls Broadcasting Co., Wichita Falls, Texas—
570 Extension of special experimental authorization to operate with an additional 250 watts power night, for the period 9-1-34 to 3-1-35.

KGKL—KGKL, Inc., San Angelo, Texas—License to cover con-
1370 struction permit to change equipment and increase daytime power.

WQAM—Miami Broadcasting Co., Miami, Fla.—Construction per-
560 mit to move transmitter from 600 Biscayne Boulevard to foot of 14th Street, ⅔ mile from present site, Miami, Florida, and make changes in the antenna system.

KFYO—T. E. Kirksey, trading as Kirksey Brothers, Lubbock,
940 Texas—Construction permit to install new equipment, change frequency from **1310 kc.** to **940 kc.**, and increase power from 100 watts night, 250 watts day to 500 watts.

KWKH—International Broadcasting Corp., Shreveport, La.—
1100 Modification of special experimental authorization authorizing operation on **1100 kc.**, unlimited time requesting approval of transmitter site near Shreveport, La.

WFBC—Greenville News-Piedmont Co., Greenville, S. Car.—
1300 License to cover construction permit authorizing installation of new equipment, change in frequency from **1200** to **1300 kc.**, and increase in power.

NEW—A. P., Herbert and Alvin, Jr., Mueller, d/b as Mueller
1500 Amusement Co., Seguin, Texas—Construction permit to erect a new broadcast station to be operated on **1500 kc.**, 100 watts, specified hours.

NEW—Calcasieu Broadcasting Co. (T. B. Lanford, R. M. Dean,
1500 and L. M. Sepaugh).—Construction permit to erect a new broadcast station to be operated on **1500 kc.**, 100 watts, unlimited time.

WOPI—Radiophone Broadcasting Station, WOPI, Inc., Bristol,
620 Tenn.—Construction permit to install new equipment, change frequency from **1500 kc.** to **620 kc.** and increase power from 100 watts to 250 watts.

Fourth Zone

KSO—Iowa Broadcasting Co., Des Moines, Iowa—Special experi-
1320 mental authorization to operate with an additional power of 250 watts at night.

WIBW—Topeka Broadcasting Assn., Inc., Topeka, Kansas—Con-
580 struction permit to install new equipment and increase power from 1 KW to 1 KW night, 2½ KW daytime.

W9XDT—Purdue University, Portable—License to cover construc-
890 tion permit for special experimental broadcast station for **890 kc.**, 50 watts.

WKBF—Indianapolis Broadcasting, Inc., Indianapolis, Ind.—
1400 License to cover construction permit for installation of new equipment and increase in daytime power.

Fifth Zone

KRKO—Lee E. Mudgett, Everett, Wash.—Construction permit to move transmitter and studio locally, install new equipment and increase power from 50 watts to 100 watts.

NEW—Norman F. Storm, Centralia, Wash.—Construction permit to
1500 erect a new broadcast station to be operated on **1500 kc.**, 100 watts, unlimited time.

KMED—Mrs. W. J. Virgin, Medford, Oregon—License to cover
1310 construction permit for changes in equipment and increase in daytime power.

NEW—S. H. Patterson, Portable—Construction permit to erect a new broadcast pickup station to be operated on **2090, 2190** and **2830 kc.**, 40 watts.

W6XAI—Pioneer Mercantile Co., Bakersfield, Calif.—Modification
1550 of construction permit for experimental broadcast station for **1550 kc.**, 1000 watts, unlimited time, requesting an extension of completion date.

KOL—Seattle Broadcasting Co., Seattle, Wash.—Modification of
1270 construction permit authorizing move, equipment, change and increase in daytime power requesting an extension of completion date.

NEW—Helena Broadcasting Co., Helena, Mont.—Construction
1420 permit to erect a new broadcast station to be operated on **1420 kc.**, 100 watts, unlimited time.

NEW—Munn Q. Cannon, Logan, Utah—Construction permit to
1210 erect a new broadcast station to be operated on **1210 kc.**, 100 watts, unlimited time.

KGHL—Northwestern Auto Supply Co., Inc., Billings, Mont.—
780 Extension of special experimental authorization to operate on **780 kc.**, for the period 10-1-34 to 1-1-35.

KGHL—Northwestern Auto Supply Co., Inc., Billings, Mont.—
950 Modification of license to change frequency from **950 kc.** to **780 kc.**

APPLICATIONS RETURNED

WSUI—State University of Iowa, Iowa City, Iowa—Modification of license to increase power from 500 watts to 500 watts night 1 kilowatt daytime and hours of operation from specified to unlimited. (Request of applicant.)

WRAK—WRAK, Inc., Williamsport, Penna.—Modification of construction permit authorizing changes in equipment and transmitter move requesting increase in power from 100 watts to 250 watts and extension of commencement and completion dates. (Rules 6, 121 and questionable equipment.)

NEW—James Clyde Skinner, Houston, Texas—Construction permit to erect a new broadcast station to be operated on **1210 kc.**, 100 watts, daytime. (Incomplete, questionable equipment and transmitter site.)

NEW—Lakeland Broadcasting Co., Lakeland, Fla.—Construction permit to erect a new broadcast station to be operated on **1310 kc.**, 100 watts, specified hours. (Improperly executed, questionable equipment and transmitter site.)

WORC—Alfred F. Kleindienst, Worcester, Mass.—Construction permit to change frequency to **600 kc.** (Wrong form, Rules 49 and 116.)

WDBO—Orlando Broadcasting Co., Inc., Orlando, Fla.—Extension of special experimental authorization to operate with 1 KW daytime. (Not signed.)

WNAD—University of Oklahoma, Norman, Okla.—Modification of license to increase power from 500 watts to 1 kilowatt. (Incomplete and not signed.)

WKBF—Indianapolis Broadcasting, Inc., Indianapolis, Ind.—License to cover construction permit for change of equipment, increase power and unlimited time. (Unlimited time has been suspended.)

WSBT—The South Bend Tribune, South Bend, Ind.—Modification of license to change hours of operation from specified to sharing with WGES, WSBT 4/7 and WGES 3/7. (Time sharing agreement not in accordance with division of time.)

WGES—Oak Leaves Broadcasting Station, Inc., Chicago, Ill.—Same as above.

NEW—Dan Steinhoff, Jr., Vancouver, Wash.—Construction permit to erect a new broadcast station to be operated on **860 kc.**, 500 watts, unlimited time. (Rules 6, 116, improperly executed and questionable transmitter site and equipment.)

URGENT

To Every Member of the National Association of Broadcasters:

In about six weeks, before the Federal Communication Commission, will begin the hearings to determine what recommendations the Commission will make to Congress for new legislation concerning broadcasting.

The issue is set forth in the recently enacted law, as follows:

> "SEC. 307 (c). The Commission shall study the proposal that Congress by statute allocate fixed percentages of radio broadcasting facilities to particular types or kinds of non-profit radio programs or to persons identified with particular types or kinds of non-profit activities, and shall report to Congress, not later than February 1, 1935, its recommendations together with the reasons for the same."

Every broadcasting station in America will be on trial at these hearings. The National Association of Broadcasters is now preparing and will conduct their defense.

To do this adequately, is must present *facts*. Every station should be actively represented at the hearings, either in person or by sworn written statement.

The first thing for you to do, whether or not you can be personally present to testify at the hearings, is to prepare a full and clear statement of the actual facts regarding your station. This should be done so that the statement can be forwarded to the Association in Washington not later than September 15.

We are not sending out a formal questionnaire, because it is better to have these statements in your own form, with such advice as you may feel like getting from your attorneys. But here is, in substance, what the Commission will want to know:

1. The call letters, location, power, frequency, time assignment, ownership and licensee of your station.
2. Length of time it has been in continuous operation under government license.
3. Approximate total capital investment.
4. Approximate total gross operating cost for the six months from January 1 to June 30, 1934.
5. Average number of full-time employees during the six months from January 1 to June 30, 1934.
6. Total number of part-time employees (such as musicians, actors, and any other persons employed on a part-time basis) actually paid by the station, or by others on account of broadcasts over the station, during the six months from January 1 to June 30, 1934.
7. During the six months from January 1 to June 30, 1934, what arrangements, if any, were actually in force covering broadcasts, whether of local or outside origin, *on behalf of* educational institutions or groups, civic or charitable organizations, churches and other religious bodies, political organizations, public health services, labor organizations, farm organizations, etc.? Make your answer to this question as complete as possible, indicating in each case whether or not the service was rendered by the station free of charge, and, if not, whether the charge made was the regular commercial rate or merely an operating charge to cover actual cost.
8. During the period above specified, what was the approximate total number of hours devoted by you to broadcasts of the type indicated in Question 7? How many of the hours thus devoted to broadcasts of this type came between six and eleven p. m.?
9. What is your general policy with respect to broadcasts of the type described in Question 7? Explain fully.
10. Do you exercise any control or censorship over programs of the type indicated in Question 7? Please cover this point fully.
11. What has been your experience with regard to listener interest in programs of the type specified in Question 7? Does your audience demand more lectures, talks and similar features, and, if so, of what types and at what hours? Have you found that such groups as those indicated in Question 7 are able, unaided by you, to put on programs which maintain a high degree of listener interest? What has been

the effect on your audience of broadcasting such programs at frequent intervals? Please discuss in detail.

12. In addition to programs of the type covered in Question 7, that is to say programs broadcast in direct behalf of specific organizations, what features did you broadcast between January 1 and June 30, 1934, that had a definite educational or informative value, as distinct from entertainment or advertising. Explain in detail.

13. During the period above specified, what was the approximate total number of hours devoted by you to broadcasts of the type indicated in Question 12? How many of the hours thus devoted to broadcasts of this type came between six and eleven p. m.?

In giving this information, it will be advisable for you, wherever convenient, to support your statements by affidavits or letters from responsible officers of the institutions with which you have cooperated, such as the governors of states, mayors of cities, presidents of universities and colleges, superintendents of schools, directors of civic or charitable organizations, heads of labor organizations, pastors of churches, directors of farm bureaus, etc.

Your statement should be written on 8½ x 11 white paper, and executed under oath, so that it may be filed with the Commission by the Association.

A later bulletin will discuss the actual appearance of representative broadcasters as witnesses at the hearings. The immediate and urgent need is to have every station prepare its statement, in line with the foregoing general outline, *at once.*

PHILIP G. LOUCKS, *Managing Director,*
HENRY A. BELLOWS, *Chairman NAB,*
Legislative Committee.

The National Association of Broadcasters

NATIONAL PRESS BUILDING ★ ★ ★ ★ ★ WASHINGTON, D. C.

PHILIP G. LOUCKS, Managing Director

NAB REPORTS

★ ★ ★ ★

Vol. 2 - - No. 43
AUGUST 31, 1934

Copyright, 1934, The National Association of Broadcasters

U. S. FILES ANTI-TRUST SUIT AGAINST ASCAP

The United States Government, August 30, stepped into the midst of the raging music copyright controversy by filing an anti-trust suit against the officers and members of the American Society of Composers, Authors and Publishers, the Music Publishers Protective Association and the Music Dealers Service, Inc.

The Government suit, one of the most important to be filed by the Department of Justice in many years, was brought in the Federal Court for the Southern District of New York. The Government is proceeding not only against the three main organizations, their officers and directors, but also against their members individually. The list of defendants covers eleven pages of the bill.

The Government asks:

1. That all contracts between publisher and composer members of the Society and the Society be declared illegal and void.
2. That all contracts between the members of the Publishers Association and the Association and John G. Paine, agent and trustee, be declared illegal and void.
3. That all contracts between the Society and the broadcasting stations be declared illegal and void.
4. That all contracts between John G. Paine, agent and trustee, and the electrical transcription companies be declared illegal and void.
5. That the defendants be restrained from entering into similar contracts.
6. That the defendants be restrained from joining any similar firm, association, corporation or society for the purpose of issuing blanket licenses for the public performance of music for profit unless the facilities of such firm, association, corporation or society is open to every copyright owner on equal terms and unless fees to be collected pursuant to such blanket licenses are determined by individual copyright owners for each musical composition owned by them.
7. That the defendants be restrained from instituting infringement suits against any licensee upon the giving of bond by such licensee to insure the payment of a reasonable charge as the court may determine or as may be arrived at between the licensees and the individual copyright owners.

The names of Homer S. Cummings, attorney general; Harold M. Stephens, assistant attorney general; Andrew W. Bennett and George P. Alt, special assistants to the attorney general; and Martin Conboy, United States attorney; appear on the suit.

Licensing arrangements with broadcasters, motion picture producers, motion picture exhibitors, hotels, dance halls, night clubs, electrical transcription companies and other users of public performing rights are affected by the suit. The suit strikes at the heart of the copyright controversy and is the culmination of investigations conducted by the Department of Justice and the Federal Trade Commission.

Much of the credit for whipping the suit into final shape goes to Mr. Bennett, who was appointed as a special assistant to the attorney general just a few months ago. Mr. Bennett, brilliant young attorney, has had wide experience in anti-trust work and in the drafting and filing of the suit he has had the benefit of the extensive preliminary investigations made by Mr. Joseph Klein, one of the Federal Trade Commission's most able investigators.

While the Government brought the suit on the eve of the date when percentage payments by the broadcasters jump from four to five per cent. Until a decision is reached in the suit, existing contracts between broadcasters and the Society remain in full force and effect.

Far reaching in its effects, the suit involves millions of dollars in license fees and more than a million of copyrighted musical compositions. It calls for a showdown in a long and bitter fight which has had its ramifications in the Congress, the courts and in various Government departments over a period of many years. Not only would it end for all time the arbitrary licensing practices of the Society but it would materially change conditions under which music is used by every user of performing rights.

The theory of the suit is similar to that followed in the NAB suit filed in the same court by Baker, Hostetler, Sidlo and Patterson on behalf of station WIP against the Society. As does the NAB suit, the Government suit seeks to establish a system of copyright fees based upon actual use made of public performance right and to substitute competition among copyright proprietors for the present alleged monopoly. The Board of Directors of the NAB at its meeting in February, 1933, and again last May adopted resolutions urging as a solution to the copyright problem a theory similar to that adopted in the two suits now pending against the Society.

PHILIP G. LOUCKS, *Managing Director.*

TEXT OF U. S. SUIT AGAINST ASCAP

The complete text of the suit brought by the U. S. Government against the American Society of Composers, Authors and Publishers et al. (without exhibits) is as follows:

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE SOUTHERN DISTRICT OF NEW YORK

In Equity No. ———

UNITED STATES OF AMERICA, *Petitioner,*

v.

AMERICAN SOCIETY OF COMPOSERS, AUTHORS AND PUBLISHERS, MUSIC PUBLISHERS PROTECTIVE ASSOCIATION, MUSIC DEALERS SERVICE, INC., ET AL., *Defendants.*

PETITION

To the Honorable, the Judges of the United States District Court for the Southern District of New York, Sitting in Equity:

The United States of America, by Martin Conboy, its attorney for the Southern District of New York, Harold M. Stephens, Assistant Attorney General, and Andrew W. Bennett and George P. Alt, Special Assistants to the Attorney General, acting under the direction of the Attorney General, brings this proceeding in equity against:

I.

Description of Defendants

1. American Society of Composers, Authors and Publishers, hereinafter referred to as "Society," an unincorporated membership association of music composers, authors and publishers, which has its principal office at 1501 Broadway, Borough of Manhattan, New York City.

2. Music Publishers Protective Association, hereinafter referred to as "Association," an unincorporated membership association of music publishers, which has its principal office at 1501 Broadway, Borough of Manhattan, New York City.

3. Music Dealers Service, Inc., hereinafter referred to as "Service corporation," a corporation organized under the laws of the State of New York, and which has its principal office at 619 West 54th Street, Borough of Manhattan, New York City.

4. The following corporations, duly organized and existing under the laws of the respective states as indicated in the following table, and the copartnership and individuals, citizens of states of the United States and resident therein as indicated below, all engaged in the music publishing business, members of Society, Association, or Service corporation, or of all of them, as indicated in the following table, hereinafter referred to as "defendant publishers":

Name, Member of, Location of Principal Office, and State of Incorporation
A B C Standard Music Publications, Inc. Society. 799 Seventh Avenue, New York. New York.
Maurice Abrahams, Inc. Society. Care of Hotel Oliver Cromwell, 12 West 72nd Street, New York, New York. New York.
Ager, Yellen & Bornstein, Inc. Society Association Service Corporation. 745 Seventh Ave., New York, New York. New York.
Alfred Music Company, Inc. Society. 145 West 45th Street, New York, New York. New York.
Thornton W. Allen, trading as Thornton W. Allen Company, a citizen and resident of New York, New York. Society. 115 West 57th Street, New York. New York.
Emil Ascher, Inc. Society Association. 315 Fourth Ave., New York, New York. New York.
Gene Austin, Inc. Society. 745 Seventh Avenue, New York, New York. New York.
Belwin, Inc. Society Association. 43 West 23rd Street, New York, New York. New York.
Irving Berlin, Inc. Society Association Service Corporation. 799 Seventh Avenue, New York, New York. New York.
Bibo-Lang, Inc. Society. 745 Seventh Avenue, New York, New York. New York.
C. C. Birchard & Company. Society. 221 Columbus Avenue, Boston, Massachusetts. Massachusetts.
Harry Bloom, Inc. Society Service Corporation. 1587 Broadway, New York, New York. New York.
Boston Music Company. Society Association. 116 Boylston Street, Boston, Massachusetts. West Virginia.
Broadway Music Corporation. Society. 1600 Broadway, New York, New York. New York.
Ted Browne Music Company. Society. Woods Theatre Building, 54 West Randolph Street, Chicago, Ilinois. Illinois.
Century Music Publishing Company. Society. 235 West 45th Street, New York, New York. New York.
Chappell-Harns, Inc. Society. 62 West 45th Street, New York, New York. New York.
The John Church Company. Society, Association. 113 West 57th Street, New York, New York. Ohio.
Composers' Music Corporation. Society. Room 2907, 120 Broadway, New York, New York. New York.
Con Conrad, Inc. Society, Service Corporation. 1595 Broadway, New York, New York. New York.
Joe Davis, Inc. Society, Service Corporation. 1658 Broadway, New York, New York. New York.
Denton & Haskins, Music Publishing Company, Inc. Society. 1595 Broadway, New York, New York. New York.
De Sylva, Brown & Henderson, Inc. Society, Association, Service Corporation. 745 Seventh Avenue, New York, New York. New York.
Oliver Ditson Company, Inc. Society. 113 West 57th Street, New York, New York. New York.
Donaldson, Douglas & Gumble, Inc. Society, Association, Service Corporation. 1595 Broadway, New York, New York. New York.
Famous Music Corporation. Society, Service Corporation. 719 Seventh Avenue, New York, New York. New York.
Iso Feist, Inc. Society, Association, Service Corporation. 56 Cooper Square, New York, New York. New York.
Fillmore Bros. Company, trading as Fillmore Music House. Society. 526 Elm Street, Cincinnati, Ohio. Ohio.
Carl Fischer, Inc. Society, Association. 56 Cooper Square, New York, New York. New York.
J. Fischer & Bro. Society, Association. 119 West 40th Street, New York, New York. New York.
Harold Flammer, Inc. Society. 3 East 43rd Street, New York, New York. New York.
Forster Music Publisher, Inc. Society, Association. 216 South Wabash Avenue, Chicago, Illinois. Illinois.
L. B. Curtis, a citizen and resident of New York, New York. Society. 1595 Broadway, New York, New York.
Sam Fox and Harry Fox, citizens and residents of Ohio, a copartnership, trading as Sam Fox Publishing Company. Society, Association. The Arcade, No. 202, Cleveland, Ohio.
Galaxy Music Corporation. Society. 2 East 46th Street, New York, New York. New York.
Gemble Hinged Music Company. Society, Association. 228 South Wabash Avenue, Chicago, Illinois. Illinois.
Goodman Music Company, Inc. Society, Service Corporation. 745 Seventh Avenue, New York, New York. New York.
Hamilton S. Gordon, Inc. Society, Association. 33 East 21st Street, New York, New York. New York.
H. W. Gray Company. Society. 159 East 48th Street, New York, New York. New York.
Green & White, Inc. Society, Service Corporation. 1587 Broadway, New York, New York. New York.
Handy Bros. Music Company, Inc. Society, Association. 1545 Broadway, New York, New York. New York.
Harms, Inc. Society, Association, Service Corporation. 62 West 45th Street, New York, New York. New York.
T. B. Harms Company. Society. 1619 Broadway, New York, New York. New York.
F. B. Haviland Publishing Company. Society. 114 West 44th Street, New York, New York. New York.

Name, Member of, Location of Principal Office, and State of Incorporation (Continued)

R. L. Huntsinger, Inc. Society. 137 West 4th Street, Cincinnati, Ohio. New York.

Walter Jacobs, Inc. Society, Association. 120 Boyleston Street, Boston, Massachusetts. Massachusetts.

J. W. Jenkins Sons' Music Company. Society. 1013 Walnut Street, Kansas City, Missouri. Missouri.

Ross Jungnickel, Inc. Society, Association. 165 East 35th Street, New York, New York. New York.

E. F. Kalmus, Inc. Society. 259 West 57th Street, New York, New York. New York.

Kay & Kay Music Publishing Corporation. Society. 1658 Broadway, New York, New York. New York.

Keit-Eugel, Inc. Society, Service Corporation. 719 Seventh Avenue, New York, New York. New York.

Kendis Music Corporation. Society. 1567 Broadway, New York, New York. New York

Korabeiser-Schustir, Inc. Society. 1619 Broadway, New York, New York. New York.

Edgar Leslie, Inc. Society. 1591 Broadway, New York, New York. New York.

Lewis Music Publishing Company. Society. 102 West 42nd Street, New York, New York. New York.

E. S. Lorenz and Earl K. Lorenz, citizens and residents of Ohio, a copartnership trading as Lorenz Publishing Company. Society. 501 East 3rd Street, Dayton, Ohio.

Edw. B. Marks Music Corporation. Society, Association. 223 West 46th Street, New York, New York. New York.

Marlo Music Corporation. Society, Service Corporation. Care of George M. Marlo, Victoria Hotel, Seventh Avenue and 51st Street, New York, New York. New York.

McKinley Music Company. Society, Association. 1307 East 55th Street, Chicago, Illinois. Illinois.

Melrose Bros. Music Company, Inc. Society, Association. 81 West Randolph Street, Chicago, Illinois. Illinois.

Miller Music, Inc. Society. 62 West 45th Street, New York, New York. New York.

Mills Music, Inc. Society, Association, Service Corporation. 149 West 46th Street, New York, New York. New York.

Joe Morris Music Company. Society. 1619 Broadway, New York, New York. New York.

New World Music Corporation. Society. 521 West 44th Street, New York, New York. New York.

Olman Music Corporation. Society, Service Corporation. 745 Seventh Avenue, New York, New York. New York.

Paull-Pioneer Music Company. Society, Association. 119 Fifth Avenue, New York, New York. New York.

Photo Play Music Company, Inc. Society, Association. 1520 Broadway, New York, New York. New York.

Theodore Presser Company. Society. 113 West 57th Street, New York, New York. Pennsylvania.

Remick Music Corporation. Society, Association Service Corporation. 219 West 46th Street, New York, New York. New York.

G. Ricordi & Company, Inc. of New York. Society. 12 West 45th Street, New York, New York. New York.

Robbins Music Corporation. Society, Service Corporation. 799 Seventh Avenue, New York, New York. New York.

Will Rossiter, a citizen and resident of Illinois. Society. 173 West Madison Street, Chicago, Illinois.

Rubank, Inc. Society. Campbell Avenue and Lexington Street, Chicago, Illinois. Illinois.

Santly Bros., Inc. Society. Association, Service Corporation. 755 Seventh Avenue, New York, New York. New York.

G. Schirmer, Inc. Society, Association. 3 East 43rd Street, New York, New York. West Virginia.

Schroeder & Gunther, Inc. Society. 6 East 45th Street, New York, New York. New York.

Shapiro, Bernstein & Company, Inc. Society, Association, Service Corporation. 1639 Broadway, New York, New York. New York.

Sherman, Clay & Company. Society, Association. Kearney and Sutter Street, San Francisco, California. California.

Shubert Music Publishing Corporation. Society. 321 West 44th Street, New York, New York. New York.

Skidmore Music Company, Inc. Society, Association. 218 West 47th Street, New York, New York. New York.

Sonnemann Music Company, Inc. Society. 607 Eighth Avenue, New York, New York. New York.

Southern Music Publishing Company, Inc. Society. 1619 Broadway, New York, New York. New York.

Name, Member of, Location of Principal Office, and State of Incorporation (Continued)

Villa Moret, Inc. Society, Association. Pantages Theatre Building, San Francisco, California. California.

Harry Von Tilzer Music Publishing Company. Society. 1597 Broadway, New York, New York. New York.

Milton Weil Music Company, Inc. Society. 54 West Randolph Street, Chicago, Illinois. Illinois.

White-Smith Publishing Company. Society. 40-44 Winchester Street, Boston, Massachusetts. Massachusetts.

Clarence Williams Music Publishing Company. Society. 145 West 45th Street, New York, New York. New York.

Willis Music Company. Society, Association. 137 West 4th Street, Cincinnati, Ohio. Ohio.

M. Witmark & Sons. Society, Association, Service Corporation. 1650 Broadway, New York, New York. New York.

B. F. Wood Music Company. Society. 88th St. Stephens Street, Boston, Massachusetts. Massachusetts.

Boosey & Company, Ltd. Association. 113 West 57th Street, New York, New York. New York.

Davis, Coots & Engel. Association. 719 Seventh Avenue, New York, New York. Delaware.

Hatch Music Company. Association. 116 Boylston Street, Boston, Massachusetts. Pennsylvania.

Manus Music Company. Association. 145 West 45th Streeet, New York, New York. New York.

George F. Briegel, Inc. Association. 1674 Broadway, New York, New York. New York.

5. The following persons who, during the times hereinafter mentioned, have been or are now active in the management of Society, Association or Service corporation, or in the management of one or more of them, and in the direction of their activities hereinafter described, who are citizens of the states of the United States, resident therein as indicated below, and who have been or are now officers, directors or members of Society, Association or Service corporation, respectively, as indicated opposite their names:

Name, Officer or Member of, and Residence

Eugene Howard Buck. President, Director and member of Society. Great Neck, Long Island, New York.

Louis Bernstein. Vice President and Director of Society; President and Director of Association; Director and Treasurer Service Corporation; Director and President Shapiro Bernstein & Company. New York, New York.

Jerome Kern. Vice President, Director and member of Society. New York, New York.

Joseph Young. Secretary, Director and member of Society. Great Neck, Long Island, New York.

Robert Crawford. Assistant Secretary and Director of Society; Treasurer and Director of Association; Director and Secretary Service Corporation; Director and President of DeSylva, Brown & Henderson, Inc. New York, New York.

Saul H. Bernstein. Treasurer and Director of Society; Vice President and Director of Association; Director and Assistant Treasurer Service Corporation; Director, Secretary and Treasurer of Irving Berlin, Inc. New York, New York.

Sigmund Romberg. Assistant Treasurer, Director and member of Society. New York, New York.

E. Claude Mills. General Manager and Chairman of Administrative Committee of Society. New York, New York.

E. F. Bitner. Director of Society; Director of Association; Director and President Service Corporation; Director, President and Treasurer, Leo Feist, Inc. New York, New York.

Irving Caesar. Director and member of Society. New York, New York.

Walter Donaldson. Director and member of Society; Director and President Donaldson, Douglas & Gumble, Inc. Hollywood, Calif.

Walter G. Douglas. Director of Society; Director of Association; Director of Service Corporation; Director, Vice President and Treasurer of Donaldson, Douglas & Gumble, Inc. New York, New York.

Max Dreyfus. Director of Society; Director of Association. New York, New York.

George Fischer. Director of Society. New York, New York.

Walter Fischer. Director of Society; Director of Association. New York, New York.

Name, Officer or Member of, and Residence (Continued)

Otto A. Harbach. Director and member of Society. Mamaroneck, New York.

Raymond Hubbell. Director and member of Society. Garden City, Long Island, New York.

Edgar Leslie. Director and member of Society. New York, New York.

George W. Meyer. Director and member of Society. New York, New York.

Jack Mills. Director of Society; Director of Association; Director of Service Corporation; Director, President and Treasurer of Mills Music, Inc. New York, New York.

E. H. Morris. Director of Society; Director and Vice President of Service Corporation; Director and Vice President of M. Witmark and Sons; Director and Vice President of Harms, Inc.; Director and Vice President of Remick Music Corp.; Director and President of Famous Music Corp. New York, New York..

Gustave Schirmer. Director of Society; Director and Assistant Treasurer of Association; Director and Officer of Boston Music Co. New York, New York.

Cloy Speaks. Director and member of Society. New York, New York.

Joseph Deems Taylor. Director and member of Society. Stamford, Connecticut.

Will Von Tilzer. Director of Society; Director and Officer of Harry Von Tilzer Music Publishing Co. New York, New York.

Harry Warren. Director and member of Society. Beverly Hills, California.

Ben Bornstein. Director of Association; Director of Service Corporation; Director and President of Ager, Yellen & Bornstein, Inc. New York, New York.

Jerome Keit. Director of Society; Director and Secretary of Association; Director and Officer of Keit-Engel, Inc. New York, New York.

Max Winkler. Director of Association; Director and Officer of Belwin, Inc. New York, New York.

John G. Paine. Chairman of the Board of Association; Agent and Trustee for members of Association and others. New York, New York.

Lester Santly. Member of Society; Director of Service Corporation; Director, Secretary and Treasurer of Santly Bros., Inc. New York, New York.

Larry Spier. Member of Society; Director of Service Corporation. New York, New York.

Henry Spitzer. Director of Service Corporation; Vice President of Harms, Inc. New York, New York.

Maurice Richmond. General Manager of Service Corporation. New York, New York.

6. The members of the Society, the Association and the Service Corporation other than those members thereof specifically named herein constitute a group so numerous that it would be impracticable to bring them all before the Court by name; therefore, the aforesaid defendants named herein and described as Officers and Directors of the Society, the Association, or the Service Corporation are sued as representing all members of their respective organizations.

II.

Jurisdiction

7. This proceeding is brought against defendants under the Act of Congress approved July 2, 1890, entitled "An Act to protect trade and commerce against unlawful restraints and monopolies," commonly known as the Sherman Antitrust Act, for violations of said Act in the manner and by the means hereinafter alleged, and to prevent and restrain defendants from further violating said Act.

8. Defendant Society, defendant Association and defendant Service Corporation each has its principal office in and directs most of its business from the Southern District of New York.

III.

The Society, the Association, and the Service Corporation

The Society

9. Defendant Society, an unincorporated association, was organized in or about the year 1914 by the leading publishers, composers and authors of musical compositions in the United States, for 99 years from the date of its organization. The purposes for which it was organized were, among other things, to grant licenses and collect royalties for the public performance of the works of its members, to allot and distribute the royalties collected, and to accumulate and maintain a reserve fund to be used in carrying out any of the objects of the Society. Its membership at the time of the filing of this petition consists of approximately ninety-seven (97) publishers and nine hundred sixty-nine (969) composers and authors and includes the owners of the copyrights of practically all the musical compositions demanded by the public of the United States for entertainment purposes at the time of the filing of this petition and for a number of years prior thereto. The management of defendant Society is vested exclusively in a self-perpetuating board of directors, consisting of 24 persons, 12 of whom represent publisher members, 6 represent composer members and 6 represent author members. Each director is elected to serve for a period of three years, and is eligible for reelection upon the expiration of his term. The terms of office of eight members of said board expire each year, and their successors are elected annually by the remaining members of the board. The directors have exclusive and absolute control of the management and of all activities of the Society and appoint all its committees, officers and employees. Admission to membership in the Society is by election thereto by the board. Each member upon admission must execute an agreement in the form required by the board of directors, assigning to the Society the exculsive right to license the non-dramatic public performance of all of the members' works for the period of any then existing agreement between the Society and its members. The present agreement between the Society and its members, a copy of which is hereto attached marked Exhibit "A" and expressly made a part hereof, expires December 31, 1935. By reason of the vast number of copyrights of compositions controlled by the members of the Society, by reason of the great public demand therefor, and by reason of the vesting of the absolute management and control of all activities of the Society in the self-perpetuating board of directors, the twenty-four persons constituting such board have the power to and do dominate the music industry.

10. Licenses to perform publicly for profit the musical compositions copyrighted by its members are issued by the Society to all applicants therefor. Agents of the Society solicit applications for such licenses by threat of prosecution for infringement of the copyright laws of the United States, from all unlicensed persons, firms or corporations in the United States who use music in connection with their business. Defendant Society refuses to grant licenses to perform single musical compositions or groups of compositions selected by the licensee; it grants only blanket licenses to perform any and all musical compositions of all its members upon the payment of such royalty as is demanded by the board of directors of the Society. Four forms of license are in use, copies of which are hereto attached and marked Exhibits "B", "C", "D", "E", respectively, and are expressly made a part hereof. Exhibit "B" is the form of license which radio broadcasting stations not owned at least 51 per cent by newspapers are required to accept. Exhibit "C" is the form of license which radio broadcasting stations owned at least 51 per cent by newspapers are required to accept. Exhibit "D" is the form of license which theatres are required to accept. Exhibit "E" is the form of general license which all other users of musical compositions are required to accept.

11. Prior to the advent of radio broadcasting, licensing activities of the Society were limited to the granting of licenses to perform publicly for profit copyrighted musical compositions of its members by individual entertainers and groups of entertainers. With the development of radio broadcasting, its most important and most profitable licensing activity has been the granting of licenses to radio broadcasting stations.

12. Defendant Society maintains agents and representatives throughout the United States, whose duty it is to enforce the demands of the Society in the sale of licenses and in collecting royalties therefor.

The Association

13. In or about 1918, defendant Association was organized by certain publisher members of defendant Society. Its present membership includes approximately forty (40) of the leading publishers of copyrighted musical compositions in the United States, who control approximately seventy-five (75) per cent of the copyrighted popular musical compositions published in the United States. The term "popular musical compositions" is used to describe that music which appeals to the great mass of the population of the United States, as distinguished from standard, church, educational, classical, or either music. Defendant Association has been used primarily by its members, through defendant John G. Paine, chairmen of its board of governors, acting as agent and trustee for individual members, to license the use of copyrighted musical compositions, owned and controlled by such members, in the manufacture of parts of instruments used to reproduce me-

chanically such compositions, and to enforce payment of the royalties demanded by its members therefor. A copy of the license which manufacturers of records by electrical transcription for use by radio broadcasting stations are required to enter into is attached hereto, marked Exhibit "F," and expressly made a part hereof.

14. The term "electrical transcription" is used to designate specially made mechanical devices or records by means of which particular programs are broadcast from a radio broadcasting station. Under the license agreements they are required to enter into with defendant, John G. Paine, acting as "agent and trustee" for the owner of the copyright, electrical transcription manufacturers are required to pay to said defendant Paine for each such electrical transcription made by them a royalty of 25 cents for each copyrighted musical composition used, provided the playing time does not exceed 3 minutes, 37½ cents if the playing time exceeds 3 minutes but does not exceed 4½ minutes, and 50 cents if the playing time exceeds 4½ minutes but does not exceed 6 minutes. Such licensed agreements also provide that a separate transcription shall be made for each broadcasting station which broadcasts the program recorded thereon and that when once used for broadcasting, the transcription must be destroyed, or, if broadcast more than once, the full royalty is charged for each time the transcription is used. The license granted to such manufacturers does not include the right to broadcast a copyrighted composition when the owner of the copyright thereon is a member of defendant Society. The royalties hereinbefore set forth are demanded and payment thereof is enforced in the manner hereinafter described.

15. The management of defendant Association is vested in its board of governors, consisting of 10 members and a chairman of the board. All officers of defendant Association are elected by the board of governors. A majority of the members of the board of governors of defendant Association are also directors of defendant Society. The president of defendant Association is also a director and vice president of defendant Society; the vice president of defendant Association is also a director and treasurer of defendant Society; the treasurer of defendant Association is also a director and assistant secretary of defendant Society; and the assistant treasurer of defendant Association is also a director of defendant Society. Close cooperation exists between defendant Society and defendant Association to enforce the royalty demands of the members of the Association, acting through John G. Paine, as aforesaid.

The Service Corporation

16. Defendant Service corporation is a corporation organized under the laws of New York in 1932 by Irving Berlin, Inc., Leo Feist, Inc., Ager, Yellen & Bernstein, Inc., DeSylva, Brown & Henderson, Inc., M. Witmark & Sons, Harms, Inc., Remick Music Corporation, Mills Music, Inc., Donaldson, Douglas & Gumble, Inc., Famous Music Corporation, Shapiro, Bernstein & Co., Inc., and Santly Bros., Inc., twelve of the defendants herein, leading publishers of sheet music in the United States, who control considerably in excess of fifty (50%) per cent of the popular sheet music sold in the United States. All the defendants who organized defendant Service corporation were and are members of defendant Society, and all but one of them were and are also members of defendant Association. The majority of the board of directors of defendant Service corporation are or have been members of the board of directors of defendant Society and also members of the board of governors of defendant Association.

17. Defendant Service corporation was organized by said defendants for the purpose of acting as their exclusive sales agent in the distribution to the trade of the sheet music published by them, as well as for any other publishers who could be persuaded to use its facilities. After defendant Service corporation had been functioning a short time, the number of music publishers who had appointed it their exclusive agent for the sale of sheet music had increased to approximately 27.

18. Prior to the organization of defendant Service corporation, the publisher defendants customarily sold their sheet music to retail dealers by and through jobbers, who received a jobber's discount on quantity purchases. All sheet music sold through defendant Service corporation is sold by it at one price, irrespective of whether the purchasers are jobbers or retail dealers. The purpose for which defendants organized defendant Service corporation was to elminate from the industry the jobber in the sale of sheet music, and jobbers' discounts have never been granted by it.

IV

The Radio Broadcasting Industry

19. The term "radio broadcasting station" is used herein to designate those radio stations operated for the entertainment of the residents of the United States and residents of adjacent and more distant foreign countries. There are approximately 593 such radio broadcasting stations interspersed throughout the states of the United States and operated under authority of the Federal Communications Commission, pursuant to the Act of Congress known as the Communications Act of 1934, approved June 19, 1934, and prior Acts of Congress. Each station is required to broadcast a minimum regular operating schedule of two-thirds of the hours it is authorized to broadcast under the license granted it by the Communications Commission. The continued existence, success and prosperity of a radio broadcasting station depends entirely upon the entertainment offered by it to the radio listening public within the range of the station's power. Music is the princpal form of entertanment demanded by the rado listening public and must be offered by a station in order to retain the continuing interest and patronage of the listening public. Approximately 70 per cent of the entertainment offered by a station consists of music broadcast in varying forms and such music must represent the rendition of compositions most desired by the listening public. The only income available to a station is derived from the sale of its facilities to persons desiring to communicate intelligence to the public within listening range of the station's transmission power. Such sale of facilities consists primarily of sales to business concerns for the purpose of advertising the products of the particular concern and of creating good will on the part of the public for the services or products of the advertiser. The desirability of a particular station for advertising purposes is directly dependent upon the number of persons listening to the programs broadcast by that station and such persons can only be induced to listen to the station's broadcasts by furnishing the musical entertainment demanded by the radio audience. A substantial portion of the entertainment furnished by the station must be furnished at the expense of the station, for which it receives no compensation or income.

20. During all the time herein mentioned it has been and is essential to the continued operation of each of the stations in the United States broadcasting radio entertainment, in order to avoid liability for infringement of copyright, to obtain the permission or license of the owners of the copyrighted musical compositions the public performance of which is demanded by the radio audience. The success or failure of each such station absolutely depends upon its ability to procure such permission or license.

V

The Interstate Commerce

A. In radio broadcasting.

21. Radio broadcasting stations in the United States are engaged in interstate or foreign commerce. Each station is an instrumentality through which energy, ideas and entertainment are transmitted across state or national boundaries to the radio listening population of the United States or foreign countries. As the success or failure of each station depends upon its ability to obtain permission from the copyright owners of musical compositions to broadcast such compositions, any interference with or restraint upon the obtaining of such permission from the copyright owners upon a competitive basis restrains the interstate and foreign transmission of intelligence by radio broadcasting stations. By means of the combination and conspiracy among defendants herein described competition between copyright owners in the sale of licenses to radio broadcasting stations to publicly perform copyrighted musical compositions has been eliminated and there has been created a pool or consolidation of individual copyright monopolies in the Society, by virtue of which the Society has the power to dictate the manner in which radio broadcasting stations may be operated.

B. In sheet music.

22. Each defendant who is a publisher member of defendant Society prints, or causes to be printed, the music and lyrics, and special arrangements thereof, of musical compositions. Such printed sheets of music are sold by such defendants to customers located in all states of the United States and are transported across state boundaries in interstate commerce. The greater part of the musical compositions broadcast by radio stations is performed by entertainers located in the studio of particular broadcasting stations, or in close proximity thereto, from musical scores transported across state boundaries.

C. In the use of radio as a means to develop sales for sheet music.

23. The essential element in effecting the sale and distribution of sheet music throughout the United States is the transmitting of musical compositions to the ear of the public, in order to create a desire on the part of individual members of the public to purchase the printed score representing particular compositions. The devel-

opment of the radio has caused radio broadcasting to become the principal medium through which individual musical compositions are transmitted to the ear of the purchasing public and a demand for the printed score created. By means of the combination and conspiracy herein described, defendant Society has acquired for the benefit of its members and to the exclusion of musical compositions of non-members, control of all radio broadcasting as a means of apprising the listening public of the existence of and of developing a popular demand for particular musical compositions—thereby depriving those owners of copyrighted musical compositions who are not members of defendant Society of the opportunity of transmitting their musical compositions to the ear of the purchasing public, with the result that the sale of non-member scores to purchasers in states of the United States other than the state where manufactured and the transportation thereof across state and national boundaries is restrained. But for the combination and conspiracy herein described, the members of defendant Society would be in competition with each other and in competition with non-members of defendant Society in effecting the sale to broadcasting stations of licenses to perform publicly their particular copyrighted musical compositions, and but for said combination and conspiracy the facilities of radio broadcasting stations would be available to non-members of the Society under equal competitive conditions with members of the Society, as a medium for transmitting to the ear of the purchasing public musical compositions copyrighted by them and non-members would be in competition with all members of the Society in the sale and transportation in interstate and foreign commerce of sheet music.

VI

The Conspiracy

24. Commencing several years prior to September 1, 1932, and continuously since that time, defendants have been engaged in a combination and conspiracy to restrain, by the means and methods hereinafter set forth, the aforesaid interstate and foreign commerce, in violation of the Act of July 2, 1890 (26 Stat. 909).

A.

25. Every member of defendant Society has created, maintained and utilized defendant Society as an instrumentality for promoting and maintaining the illegal combination and conspiracy herein described. They have created defendant Society as such instrumentality with a self-perpetuating board of directors, have vested in the twenty-four persons constituting such board the exclusive control and operation of the activities of defendant Society and have restricted membership in defendant Society to such composers, authors and publishers as may be approved by the board of directors. All members of defendant Society have transferred to and pooled in defendant Society for the period ending December 31, 1935, the sole and exclusive right to perform publicly all musical compositions of which they are the copyright proprietors, or which any member, either alone or jointly or in collaboration with others, wrote, composed, published, acquired or owned, or in which any member has any right, title, interest or control whatsoever, in whole or in part, or which any member, during the term of the agreement, may write, compose, acquire, own, publish or copyright, either alone, jointly, or in collaboration with others, or in which any member may at any time, during the term of the agreement, Exhibit A, have any right, title, interest or control, either in whole or in part. All members of defendant Society have vested in defendant Society absolutely until and including December 31, 1935, the sole and exclusive right to license others to perform publicly for profit all their musical compositions. Defendants intend to continue such pool of public performance rights by an extension of the existing agreements or by new agreements.

26. Defendant Society since September 1, 1932, and for many years prior thereto, has had and now has a complete monopoly of the right to license for public performance for profit all the musical compositions of all its members, aggregating an unknown number of musical compositions; defendant Society has at all times herein mentioned refused and now refuses to furnish to its licensees lists of such musical compositions. All competition among members of defendant Society in the sale of rights to perform publicly their respective musical compositions, which, but for the illegal combination and conspiracy herein described, would have existed, has been eliminated by said illegal combination and conspiracy; radio broadcasting stations, advertisers desiring to utilize the service of such stations to promote the sale of their merchandise, orchestras, theatres, and others desiring the right to perform publicly the copyrighted musical compositions of members of defendant Society, have been unable to negotiate for the purchase of the rights to use such copyrighted musical compositions with members of defendant Society, separately and individually, but have been and are obliged and compelled to acquire from defendant Society, upon terms and conditions arbitrarily fixed by it, a general license to perform publicly the copyrighted musical compositions of all members of defendant Society.

B.

27. The members of defendant Society have agreed to establish and maintain, and pursuant to such agreement have established and maintained, by means of the pooling of their individual copyright monopolies, enhanced and non-competitive prices or royalties for licenses to perform publicly copyrighted musical compositions owned and controlled by individual defendants. Competition between members of defendant Society in the sale of licenses to perform publicly their individual musical compositions has been eliminated, and because of the combined power obtained by them through the unlawful pooling of their individual copyright monopolies, the members of defendant Society have concertedly refused and still refuse, through defendant Society, to license the public performance by radio broadcasting stations or otherwise of any copyrighted musical composition owned and controlled by a member of defendant Society, except on the basis of a general license covering any and all musical compositions of all members and except upon the basis of an arbitrary royalty for such general license, fixed and determined by the aforesaid self-perpetuating board of directors of defendant Society. By reason of the facts herein alleged defendant Society has acquired control over the public performance of so great a number of copyrighted musical compositions that it is impossible for a radio broadcasting station to operate without using at some time some musical composition so controlled by members of defendant Society. Broadcasting stations must either accept a license from defendant Society upon any terms and conditions imposed by defendant Society, or subject themselves to numerous infringement suits in which they may be compelled to pay not less than the minimum damages of $250 for each infringement, provided for in the copyright laws of the United States.

28. Each year for a number of years prior to September 1, 1932, members of defendant Society, through it, have concertedly demanded and have received from radio broadcasting stations increased amounts as royalties for licenses to perform publicly copyrighted musical compositions owned and controlled by members of defendant Society. On or about April 11, 1932, members of defendant Society, through defendant Society, notified all radio broadcasting stations throughout the United States that, on and after June 1, 1932, defendant Society would issue to broadcasting stations only a general license covering all musical compositions of all members of defendant Society, which license would require the payment annually as royalty of a sum approximately equal to the annual royalty theretofore paid by them, and in addition thereto, 5 per cent of the gross income of the broadcasting station from whatever source derived. This represented an increase of approximately 400 per cent in so-called "royalty" payments over the aggregate royalty demanded for the previous year. Protests were made by the broadcasting stations to defendant Society and the then existing licenses were temporarily extended to September, 1932. Thereupon efforts were made by the broadcasting stations, acting through a committee appointed for the purpose, to obtain licenses providing for royalty payments by each station based on the number of performances by such station of copyrighted musical compositions owned and controlled by defendant members of defendant Society. The members of defendant Society, through defendant Society, refused to agree to royalty payments based upon the actual use made of their musical compositions. Other proposals submitted by the broadcasting stations were also rejected by defendants. Each broadcasting station, in order to use the copyrighted musical compositions controlled by defendant Society and to avoid a multiplicity of infringement suits, was compelled to accede to the demands of defendant Society and to accept from defendant Society a three-year blanket license agreement, commencing in or about September, 1932, covering all musical compositions of all members of defendant Society, upon the basis of a royalty payment approximately equal to the fixed annual royalty paid for the preceding year, plus three per cent of the station's net receipts during the first year of the agreement, four per cent of such receipts during the second year, and five per cent of such receipts during the third year. As defined in said agreement, "net receipts" constitute the full amount paid to the station for the use of its broadcasting facilities, after deducting commissions not exceeding fifteen per cent, if any, paid to an independent adver-

tising agent or agency. The members of defendant Society threaten further increases in the royalty amounts to be demanded from broadcasting stations after August 31, 1935. The percentage of income demanded by members of defendant Society from radio broadcasting stations represents a percentage of the entire income received by such broadcasting stations for the sale to advertisers of their operating time on the radio. Such demand for the payment of these percentages constitutes a charge upon income received by radio broadcasting stations from their time devoted to the broadcasting of lectures, dramatizations, sporting events, and other programs, which employ none of the copyrighted musical compositions of the members of defendant Society.

29. Defendant Society has created a distinction and discrimination between the license agreements exacted of radio broadcasting stations owned at least 51 per cent by newspapers, and license agreements exacted from radio broadcasting stations not so owned. The license agreement exacted by defendant Society from broadcasting stations owned 51 per cent by newspapers does not require payment to defendant Society of a percentage of the station's income derived from all advertisers, but only requires the payment of 3 per cent of the income of the station received from advertisers whose programs include musical compositions owned or controlled by members of defendant Society. Such 3 per cent is payable until the total amount paid by the station equals an amount agreed upon between the station and defendant Society in the agreement. Thereafter the station is required to pay 5 per cent of all additional income received by it from programs in which musical compositions owned or controlled by members of defendant Society are used. The terms of all the license agreements permit the copyright owner, through defendant Society, to withdraw at will from the operation of the license any musical composition and thereby prevent its broadcast by the broadcasting station. By this means members of defendant Society are enabled to and do frequently so withdraw any musical composition in great demand by the general public. Special and additional compensation is required for the granting of permission to broadcast musical compositions so withdrawn. Withdrawal of the right under the licenses to broadcast particular compositions is often used by members of defendant Society particularly to compel radio broadcasting stations to broadcast other and less popular musical compositions for which publicity is desired. Radio broadcasting stations are obliged to accept all terms and conditions imposed by members of defendant Society for the right to broadcast popular musical compositions which have been withdrawn from their general licenses because a station's continued existence depends upon the popularity of the programs it broadcasts.

C.

30. By reason of the combination and conspiracy and the concerted action of members of defendant Society, as a result of which radio broadcasting stations are obliged to accept a blanket license as heretofore stated upon terms and conditions imposed by defendant Society, the members of defendant Society have secured the exclusive use of radio broadcasting as a means of conveying musical compositions to the ear of the public-at-large. By the means described the members of defendant Society have destroyed the incentive of broadcasting stations to use the musical compositions of composers, authors and publishers who are not members of defendant Society and have prevented non-members of defendant Society from receiving the compensation for the rights of public performance of their musical compositions, which they would otherwise receive, and have limited and restricted the popular demand of the listening public to musical compositions controlled by defendant Society.

31. The members of defendant Society, through defendant Society, have been and are enabled to enforce, and have been and are now enforcing, acceptance of their arbitrary and non-competitive demands for royalties upon all classes of entertainers using music. Such entertainers must perform those musical compositions demanded by their audiences. The limitation and restriction of popular demand to the musical compositions controlled by defendant Society has forced such entertainers to obtain from defendant Society a license to perform music controlled by defendant Society so demanded by the public. The members of defendant Society, through defendant Society, have concertedly refused to grant such entertainers permission to perform individual musical compositions selected by the entertainers, but have insisted and still insist that general licenses be accepted which cover all the musical compositions of all the members of defendant Society, upon payment of a fixed amount therefor, irrespective of whether one or more of such musical compositions are actually performed. By this method of licensing, the members of defendant Society have further restricted the popular demand to those musical compositions owned or controlled by the members of defendant Society, and have prevented the use of musical compositions owned by non-members of defendant Society.

32. By reason of the concerted action of the members of defendant Society in refusing to issue licenses for the public performance of musical compositions owned or controlled by them, except upon the terms and conditions above set forth, the members of defendant Society have prevented and are preventing the sale and transportation in interstate commerce of musical scores owned by composers, authors and publishers who are not members of defendant Society.

D.

33. Defendant Society has adopted and maintained a comprehensive system for the acquiring of detailed and complete information relative to the musical compositions used by broadcasting stations, by means of which information the members of defendant Society have been and are enabled to conduct their operations through defendant Society so as to prevent the development of competition between members of defendant Society and owners of copyrighted musical compositions who are not members of defendant Society, and have been and are enabled to maintain their combined power to compel radio broadcasting stations and all others requiring music in the conduct of their business to obtain licenses from defendant Society for the public performance of musical compositions owned or controlled by the members of defendant Society upon such terms and conditions as may be demanded by defendant Society.

E.

34. The members of defendant Society have agreed to restrict and withdraw at the will of the copyright owner, from radio broadcasting stations licensed by defendant Society the right to perform by broadcasting any individual musical composition and have so restricted and withdrawn musical compositions from broadcasting in order to enforce their demands for royalties from others. By this means members of defendant Association, through defendant John G. Paine, chairman of the board of governors of defendant Association, acting as agent and trustee for such members and others, have required and still require manufacturers of electrical transcription records to pay the uniform and non-competitive royalties hereinbefore in paragraph 14 described. Such royalties are exacted solely for the privilege of inscribing the copyrighted musical compositions upon the part or record used to reproduce mechanically the program and, in the case of musical compositions controlled by defendant Society, do not include the right to broadcast those compositions by radio.

F.

35. Every member of defendant Service corporation has maintained and utilized defendant Service corporation as an instrumentality by which to eliminate from the music industry the jobber in the sale of sheet music. Prior to the organization of defendant Service corporation, the members of defendant Service corporation customarily sold sheet music to retail dealers by and through jobbers who received a jobbers' discount on quantity purchases. Such members of defendant Service corporation have eliminated jobbers' discounts and have maintained uniform and non-competitive prices.

Purpose and Effect

36. All member of defendant Society, defendant Association and defendant Service corporation, have adopted the means and engaged in the activities aforesaid, with the intent, purpose, and effect of unreasonably and unlawfully maintaining enhanced, uniform, and oppressive prices in the interstate commerce hereinbefore described, and have otherwise restrained said trade and commerce.

37. All members of defendant Society, defendant Association and defendant Service corporation, through the mutual and identical agreements hereinbefore described, have actively and effectively restricted their own activities, have eliminated competition among themselves, and have created, maintained and utilized defendant Society, defendant Association and defendant Service corporation as instrumentalities to dominate and restrict, directly and indirectly, the activities of others in said commerce, as heretofore described.

38. The members of defendant Society, through the combination and illegal pooling of their respective individual copyright monop-

olies hereinbefore described, have created in defendant Society an instrumentality which has the power to and does dictate to and dominate the radio broadcasting industry.

39. Defendants purpose to carry on said combinations and conspiracies in the manner heretofore described.

VIII

Prayer

Wherefore, petitioner prays:

That writs of subpoena issue, directed to each defendant, commanding said defendant to appear herein and answer under oath the allegations contained in this petition and to abide by and perform such acts and decrees as the Court may make in the premises;

That the combinations, conspiracies, agreements and activities of defendants described in this petition be declared to constitute a conspiracy in restraint of interstate and foreign trade and commerce, and to be illegal and in violation of the Act of Congress approved July 2. 1890, known as the Sherman Antitrust Act;

That the following agreements be declared illegal and void:

(1) All agreements between defendant Society and its members;

(2) All agreements between defendant Association and its members and all agreements between defendant John G. Paine, as agent and trustee, and members of defendant Association and others;

(3) All agreements between defendant Service corporation and the music publishers represented by it;

(4) All agreements between defendant Society and radio broadcasting stations;

(5) All agreements between defendant Association and/or defendant John G. Paine, as agent and trustee, and the manufacturers of parts by electrical transcription used for the mechanical reproduction of musical compositions;

That defendants and each of them, and each and all of their respective members, officers, managers, agents, employees, and all persons acting or claiming to act for or on behalf of them, or any of them, be perpetually enjoined individually and collectively,

(1) From further engaging in, agreeing to perform, or performing, said conspiracy or any part thereof, or any other conspiracy of like character or effect, or any of the acts, agreements, understandings or concerts of action described in this petition;

(2) From entering into any agreements or licenses for the public performance of musical compositions owned and controlled by them, or any of them, providing for the payment of royalty determined upon any basis except such as is predicated upon free and open competition between copyright owners with the royalty on individual musical compositions fixed and determined by the copyright owner thereof acting independently in his or its own discretion;

(3) From joining, becoming a part of, or in any manner becoming associated with, any association, firm or corporation for the issuing of general or blanket agreements or licenses to perform publicly musical compositions, unless the facilities of such association, firm or corporation are open to all owners of copyrighted musical compositions upon an identical and equal basis and unless the general or blanket agreements or licenses issued or to be issued by such association, firm or corporation shall provide for the payment by the licensee of such royalty as is fixed and determined by the copyright owner of each musical composition publicly performed by such licensee;

(4) From commencing or prosecuting any suits or actions for alleged infringement of copyright against any licensee whose agreements or license may be declared illegal and void herein, upon the giving of a bond by such licensee to secure the payment of such royalty as the Court may adjudge reasonable or as may be mutually agreed upon by the licensee and the copyright owner.

That the petitioner have such other, further and general relief as the nature of the case may require and the Court may deem proper in the premises;

That the petitioner recover from the defendants its costs.

MARTIN CONBOY,
United States Attorney
for the Southern District
of New York.

HOMER S. CUMMINGS,
Attorney General.
HAROLD M. STEPHENS,
Assistant Attorney General.
ANDREW W. BENNETT,
GEORGE P. ALT,
Special Assistants to the
Attorney General.

DISTRICT OF COLUMBIA, SS:

Andrew W. Bennett, being duly sworn, says: I am a Special Assistant to the Attorney General and have been actively engaged in the conduct of the investigation and other work on behalf of the petitioner in connection with this proceeding. I have read the petition herein and know the contents thereof and am informed and verily believe the allegations therein to be true. The sources of my information and the grounds of my belief are the statements and correspondence of various officials of radio broadcasting stations, various authors, composers and publishers, both members and non-members of the Society, the Association and the Service corporation described in the within petition, of various theatres, hotels, restaurants, etc., licensees of the Society, of various manufacurers of electrical transcription records; the statements and official reports of Government investigators and correspondence, memoranda, agreements and minutes of meetings of the defendants and others, the originals or copies of which are in my possession.

ANDREW W. BENNETT.

Subscribed and sworn to before me this 28th day of August, 1934.

[Seal] URSULA B. LEES,
Notary Public, District of Columbia.

TENTATIVE NAB CONVENTION PROGRAM

The tentative program for the Twelfth Annual Convention of the NAB to be held at Netherland Plaza, Cincinnati, Ohio, September 16, 17, 18 and 19 is as follows:

GENERAL CONVENTION INFORMATION

Registration Desk will be located on the Fourth Floor and will be open from 10 a. m. until 1 p. m. Sunday, and from 8:30 a. m. until 5 p. m. on Monday, Tuesday and Wednesday.

Registration fee of $10.00 per person includes the annual banquet on Tuesday at 6:45 p. m. Additional banquet tickets may be purchased at Registration Desk at $6.00 each.

Fourth Annual NAB Championship Golf Tournament will be held Sunday at Twin Oaks Country Club, Latonia, Kentucky. Bus will leave hotel at 10 a. m. and first foursome will tee off at 10:30 a. m.

All general sessions and banquet will be held in the Pavillion Caprice located on the Fourth Floor.

Wear your badge at all times. It is your ticket to all meetings. Without it you will be denied admittance.

All motions and resolutions offered by delegates must be in writing and handed to the Presiding Officer after presentation.

Headquarters will be located in Parlor "O" on the Fourth Floor.

Committee meetings will be held in Parlors "H", "I", "J" and "L", all located on the Fourth Floor.

Monday, September 17, 1934

10:00 A. M.

Call to Order
Address of Welcome
Hon. Russell E. Wilson, Mayor of Cincinnati, Ohio
Address of the President
Mr. Alfred J. McCosker, Bamberger Broadcasting Service, Inc., Newark, New Jersey

News by Radio
Hon. C. C. Dill, United States Senator from Washington
Federal Communications Commission
Mr. Hampson Gary, Chairman, Broadcast Division, Federal Communications Commission, Washington, D. C.
Radio and Human Liberty
Mr. William Hard, Magazine writer and Radio Commentator, Washington, D. C.
Appointment of Committees
Announcements
Adjournment

Monday, September 17, 1934

2:00 P. M.

Call to Order
Report of the Managing Director
Mr. Philip G. Loucks, National Association of Broadcasters, Washington, D. C.
Report of Legislative Committee
Mr. Henry A. Bellows, Chairman, NAB Legislative Committee
Report of Engineering Committee
Mr. Joseph A. Chambers, Chairman, Crosley Radio Corporation, Cincinnati, Ohio

Tuesday, September 18, 1934

10:00 A. M.

Call to Order
The Advertiser Builds a Program
Mr. H. J. Quilliam, Fisher's Blend Station, Inc., Seattle, Washington
Report of Commercial Committee
Mr. Arthur B. Church, Chairman, Midland Broadcasting Company, Kansas City, Missouri
Report of Committee on Cost Accounting
Mr. H. K. Carpenter, Chairman, Radio Air Service Corporation, Cleveland, Ohio
Report of Tax Committee
Mr. E. M. Elkin, Chairman, Westinghouse Electric and Manufacturing Company, Pittsburgh, Pennsylvania

Tuesday, September 18, 1934

2:00 P. M.

Call to Order
A Resume of Code Administration
Mr. Joseph Shepard, 3rd, Chairman, Code Authority for the Radio Broadcasting Industry
Radio Advertising and the Federal Trade Commission
Hon. Ewin L. Davis, member Federal Trade Commission, Washington, D. C.
Coordinating America's Amusement Industries
Mr. Sol A. Rosenblatt, Division Administrator of the National Recovery Administration, Washington, D. C.
Report of Nominating Committee
Election of Officers
Adjournment

Wednesday, September 19, 1934

10:00 A. M.

Call to Order
Widening Horizons—A Conception of the Opportunities, Responsibilities and Problems of Education by Radio
Mr. Fred Willis, Executive Office, Columbia Broadcasting System, New York, N. Y.
Report of Program Committee
Mr. Edgar L. Bill, Chairman, Peoria Broadcasting Company, Peoria, Illinois
Copyright Division:
Report of Oswald F. Schuette
Copyright advisor of the NAB
Report of J. C. Hostetler
Of Baker, Hostetler, Sidlo and Patterson, Cleveland, Ohio, copyright counsel
Report of J. D. Levy
Treasurer of NAB, Philadelphia, Pa.

Wednesday, September 19, 1934

2:00 P. M.

Call to Order
Report of Resolutions Committee
Installation of Officers
Adjournment

BUTCHER HEADS CBS WASHINGTON OFFICE

Harry C. Butcher has been placed in charge of the Washington Office of the Columbia Broadcasting System, it was announced at New York headquarters of the company last week. Mr. Butcher's promotion followed the resignation of Henry A. Bellows as vice president of the Columbia Company and in his new post he will assume the duties relinquished by Mr. Bellows. Mr. Butcher is well known in Washington officialdom and enjoys wide popularity among the broadcasters.

FCC AMENDS BROADCAST ORDER

The Broadcasting Division of the Federal Communications Commission on August 28 amended its order No. 2, requiring submission of certain information regarding stock ownership, to clarify the wording which outlined the classes of station affected. The amended order reads as follows:

"Broadcasting Division
Order No. 2, As Amended

"Pursuant to the provisions of Section 310 (b) of the Communications Act of 1934, IT IS ORDERED, That the licensees of all broadcast stations, broadcast-pickup stations, experimental broadcast stations, experimental visual broadcast stations, experimental relay broadcast stations, or general or special experimental stations carrying on the experimental transmission of any kind of broadcast programs, or general or special experimental stations engaged exclusively in research concerning the development of apparatus for any of the aforementioned classes of stations, shall, on or before September 15, 1934, file with the Commission verified statements showing the following information, as of July 15, 1934:

"1. If the licensee is a corporation—
a. A list of the stockholders of record, together with the address and the amount of stock held by each;
b. Whether the stock is voted by a person other than the record holder, and if so, copy of the agreement or other instrument authorizing same;
c. A list of the officers and directors of said corporation, together with their addresses and the amount of stock held by each;
d. Any other arrangement or agreement with any person or corporation which may affect the conduct or control of the business of the licensee corporation.

2. If the licensee is a partnership, association, organization, or company (other than a corporation)—
a. A list of the persons or corporations owning any interest therein, the amount of interest held by each person or company, and their addresses;
b. A list of the officers and directors, and their addresses.

"IT IS FURTHER ORDERED, that the licensee shall inform the Commission of any changes subsequent to July 15, 1934, in the ownership of stock in the licensee corporations (or of the issuance of additional shares of stock and to whom issued), or any changes in the ownership of licensee-partnerships, associations, organizations or companies.

"The Secretary is hereby instructed to furnish appropriate forms for the furnishing of the information above ordered."

* * *

Case Temporarily on Broadcast Division

At the suggestion of Hampson Gary, Acting Chairman of the Federal Communications Commission, the following minute was adopted:

"IT IS ORDERED that Commissioner Norman S. Case be, and he is hereby, assigned temporarily as a member of the Broadcast Division of the Commission, to serve in the absence of Commissioner Thad H. Brown of said division until the return of Commissioner Brown, under the authority of Section 5 (a) of the Communications Act of 1934."

GARY TO ADDRESS NAB MEETING

Hampson Gary, chairman of the Broadcast Division of the Federal Communications Commission, will address the Twelfth Annual Convention of the NAB to be held at Netherland Plaza, Cincinnati, Ohio, September 16, 17, 18 and 19. Commissioner Gary will speak at the Monday morning session.

MUSIC PUBLISHERS' CODE STAY REQUESTED

Oswald F. Schuette, copyright advisor of the NAB, asked General Hugh S. Johnson, National Recovery Administrator, to order a suspension of further consideration by the NRA of the Music Publishers Code. This code was presented by the Music Publishers Protective Association and provides that the directors of this association—all of whom are named as defendants in the Government's anti-trust suit filed in New York this week—be empowered to name the code authority for the industry.

The text of Mr. Schuette's protest to General Johnson follows:

"The Attorney General of the United States filed a suit yesterday in the Federal District Court for the Southern District of New York against the American Society of Composers, Authors and Publishers, the Music Publishers Protective Association, and Music Dealers Service, Inc., charging them with violating the Sherman anti-trust law.

"This is the same Music Publishers Protective Association which has presented to the National Recovery Administration a so-called Code of Fair Competition for the Music Publishing Industry under which it asks that its Board of Directors—all of whom are named individually as defendants in the Government's prosecution—be given the exclusive power to name the Code Authority for that industry!

"At the public hearing held on this code on July 26, I testified as copyright advisor of the National Association of Broadcasters, in whose behalf I had filed a complaint with the Department of Justice, and called attention to the danger that the proposed code might interfere with the Government's investigation.

"To safeguard the Government's case, I offered an amendment to the proposed code providing that 'the immunity from the operation of the anti-trust laws granted by Section 5 of the National Industrial Recovery Act shall not be applicable to any practices of the Music Publishers Protective Association or the American Society of Composers, Authors and Publishers now under investigation by any governmental agency.'

"At that time the Government's suit had not been filed. Now that actual proceedings have been started and that there may be no danger of granting any such immunity, I respectfully request that further action upon the Music Publishers Code be suspended until proper safeguards shall have been provided to prevent any possibility of interference with the orderly prosecution of the Government's case."

CONGRESSMAN AYRES NAMED F. T. C. MEMBER

Hon. William A. Ayres, member of Congress from Kansas for nearly 20 years, this week took the oath of office as a member of the Federal Trade Commission, to which he was appointed a few weeks ago by President Roosevelt. Mr. Ayres resigned, Wednesday, as a member of the House of Representatives. Commissioner Ayres succeeds to the vacancy created by the resignation of Commissioner James M. Landis, who is now a member of the Securities and Exchange Commission. The term for which he is appointed will expire in September, 1940.

NEW CALL BOOK PUBLISHED

The Bureau of Foreign and Domestic Commerce of the Department of Commerce has compiled and published a new list of short-wave broadcasting stations of the world. The call book is obtainable from the Bureau's Washington office, or from the district offices, for 25 cents.

The list has been compiled from information obtained from the Berne Bureau, the British Broadcasting Corporation, the Federal Communications Commission, 32 commercial and 400 consular offices of the American Government abroad, and other organizations which co-operate with the Electrical Equipment Division.

COST ACCOUNTING QUESTIONNAIRE

If you have not returned the filled-in questionnaire on Uniform Cost Accounting, please do so at once, since the Cost Accounting Committee will shortly begin preparation of its report for the meeting.

ENGINEERING COMMITTEE MEETING

J. A. Chambers, Chairman of the NAB Engineering Committee, has called a meeting of the committee to be held at the Netherlands-Plaza Hotel, Cincinnati, Ohio, Saturday, September 15, 1934, at 1 p. m.

SECURITIES ACT REGISTRATION

The following companies have filed registration statements with the Federal Trade Commission under the Securities Act.

Bondholders' Protective Committee of the Capitol Properties 6½ per cent First Mortgage Bonds, San Francisco, Calif. (2-1049, Form D-1)

Walter H. Lippincott, and Others, Atlantic City, N. J. (2-1050, Form F-1)

W. W. Turner, Manager, Oklahoma Gas Utilities Co., Chickasha, Okla. (2-1051, Form D-1)

Share And Units Corporation, New York City. (2-1052, Form C-1)

Michigan Food Purveying Corporation, Ann Arbor, Mich. (2-1053, Form A-1)

Bondholders Protective Committee Walthall Hotel Company, Jackson, Miss. (2-1054, Form D-1)

Kirch-Trumbull Corporation, Alden, N. Y. (2-1055, Form A-1)

Public Health Plan, Inc., New York City. (2-1056, Form A-1)

Hamilton Depositors Corporation, Denver, Colo. (2-1057, Form C-1)

Sonotone Corporation, New York City. (2-1058, Form A-1)

Beauty Utilities, Inc., Newark, N. J. (2-1059, Form A-1)

Gilgrease Oil Company, Tulsa, Okla. (2-1060, Form A-1)

William Taylor Hotel First Mortgage Bondholders Committee, San Francisco, Cal. (2-1061, Form D-1)

North American Bond & Share Corp., Joplin, Mo. (2-1062, Form C-1)

Lackawanna Beer & Ale Corp., Scranton, Pa. (2-1063, Form A-1)

Certified Oil Properties Company, Tulsa, Okla. (2-1064, Form A-1)

Certified Royalties, Inc., Tulsa, Okla. (2-1065, Form G-1)

Chester Imes, Oklahoma City, Okla. (2-1066, Form G-1)

Anton Busch Company, Inc., New York City (2-1067, Form A-1)

Alberta Carbon Coal Co., Ltd., Edmonton, Alberta, Canada. (2-1068, Form A-1)

Motors Securities Company, Shreveport, La. (2-1069, Form A-1)

San Jose Water Works, San Jose, Cal. (2-1070, Form A-1)

Canadian Gold & Metals Mining Co., Ltd., Toronto, Canada. (2-1071, Form A-1)

National Non-Skid Tire Chain Corp., Wilmington, Del. (2-1072, Form A-1) *t*

Protective Committee for Holders of J. P. Allen & Company, First Mortgage Gold Bonds, New Orleans, La. (2-1073, Form D-1)

Peninsular Refining Corporation, Tampa, Fla. (2-1074, Form A-1)

Tastyeast, Inc., Trenton, N. J. (2-1075, Form E-1)

Reorganization Committee, New York City. (2-1076, Form D-1)

Reorganization Committee for Southern United Gas Company, Philadelphia, Pa. (2-1077, Form D-1)

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

Friday, September 7, 1934

590 WKZO—WKZO, Inc., Kalamazoo, Mich.—C. P., **590 kc.,** 250 watts, 1 KW LS, unlimited time. Present assignment: **590 kc.,** 1 KW, daytime.

APPLICATIONS GRANTED

560 KLZ—The Reynolds Radio Co., Inc., Denver, Colo.—Granted modification of C. P. approving transmitter location and extending commencement and completion dates to October 1, 1934, and January 30, 1935, respectively.

1210 WCRW—Clinton R. White, Chicago, Ill.—Granted C. P. to install new equipment.

KIEV—Cannon System, Ltd., Glendale, Calif.—Granted modification
850 of C. P. to change equipment and change commencement date to September 1 and completion date to November 30, 1934.

WNEL—Juan Piza, San Juan, P. R.—Granted modification of
1290 C. P. to change proposed transmitter site locally; extend commencement date to 5 days from date and completion date to 60 days thereafter.

WWRL—Long Island Broadcasting Corp., Woodside, N. Y.—
1500 Granted license, **1500 kc.,** 100 watts, 250 watts LS, specified hours.

WFEA—New Hampshire Broadcasting Co., Manchester, N. H.—
1340 Granted license covering C. P., **1340 kc.,** 500 watts, unlimited.

WKBV—William O. Knox, d/b as Knox Battery & Electric Co.,
1500 Richmond, Ind.—Granted voluntary assignment of license to Knox Radio Corp.

KSO—Iowa Broadcasting Co., Des Moines, Iowa.—Granted au-
1320 thority to determine operating power by direct antenna measurement.

KXL—KXL Broadcasters, Portland, Ore.—Granted license covering
1420 C. P., **1420 kc.,** 100 watts LS, shares KBPS.

WALA—Pape Broadcasting Corp., Inc., Mobile, Ala.—Granted
1380 license covering C. P., **1380 kc.,** 500 watts, unlimited.

KOIL—Mona Motor Oil Co., Council Bluffs, Iowa.—Granted modi-
1260 fication of C. P. approving transmitter site, and extending commencement to November 1 and completion date to January 30, 1935.

NEW—S. H. Patterson, Portable—Granted C. P. for temporary broadcast pickup service; **2000, 2190, 2830 kc.,** 40 watts.

W1XAV—Shepard Broadcasting Service, Quincy, Mass.—Granted renewal of special experimental license, **61500 kc.,** 100 watts.

KGBU—Alaska Radio & Service Co., Inc., Ketchikan, Alaska.—
900 Granted license covering move of station locally; **900 kc.,** 500 watts, specified hours.

SPECIAL AUTHORIZATIONS

WSMK—Stanley M. Krohn, Jr., Dayton, Ohio.—Granted exten-
1380 sion of special experimental authority to operate simultaneously with KQV from 6:45 p. m. to 12 midnight, EST, for period September 1 to 30, 1934.

KQV—KQV Broadcasting Co., Pittsburgh, Pa.—Granted extension
1380 of special experimental authority to operate simultaneously with WSMK from 6:45 to 12 midnight, EST, for period September 1 to 30, 1934.

WOBI—Scranton Broadcasters, Inc., Scranton, Pa.—Granted extension of special temporary authority to operate with additional 250-watt power for period September 1, 1934, to March 1, 1935.

KWKH—International Broadcasting Corp., Shreveport, La.—Granted special temporary authority to reduce power to 5 KW and modify present equipment accordingly, until commencement of operation of KWKH on **1100 kc.,** but not later than December 8, 1934.

WAPI—WAPI Broadcasting Corp., Birmingham, Ala.—Granted special temporary authority to operate simultaneously with Station KVOO from 7 to 7:30 p. m., CST, with 1 KW power, on September 4.

KVOO—Southwestern Sales Corp., Tulsa, Okla.—To operate simultaneously with Station WAPI from 7 to 7:30 p. m., CST, with power of 1 KW, on September 4.

WORC—Alfred Frank Kleindienst, Worcester, Mass.—Granted extension of special experimental authority to operate on frequency of **1280 kc.,** with 500 watts, unlimited time, using directional antenna, for period August 30 to November 27, 1934.

RENEWAL OF LICENSES

WIP—Pennsylvania Broadcasting Co., Philadelphia, Pa.—Granted
610 extension of special authorization to increase power to 1 KW experimentally during daytime hours, for term September 1 to December 1, 1934.

WFI—WFI Broadcasting Co., Philadelphia, Pa.—Granted extension
560 of special temporary experimental authority to operate with 500 watts additional power during daytime hours only, for term beginning September 1, 1934, to March 1, 1935.

WLIT—Lit Bros. Broadcasting System, Inc., Philadelphia, Pa.—
560 Granted extension of special temporary experimental authority to operate with 500 watts additional power during daytime hours only, for term beginning September 1, 1934, to March 1, 1935.

WIP—Pennsylvania Broadcasting Co., Philadelphia, Pa.—Present
610 license extended on a temporary basis for a period of 3 months from September 1, subject to such action as may be taken on pending application for renewal.

WIBG—WIBG, Inc., Glenside, Pa.—Present license extended on a
970 temporary basis for a period of 3 months from September 1, subject to such action as may be taken on pending application for renewal.

KFQD—Anchorage Radio Club, Inc., Anchorage, Alaska.—Granted
780 temporary extension of license for period September 1 to October 1, 1934, pending receipt and action on application for renewal.

WFLA-WSUN—Clearwater Chamber of Commerce and St. Peters-
620 burg Chamber of Commerce, Clearwater, Fla.—Special temporary authority to operate with 1 KW power at night with directional antenna and 2½ KW daytime, granted for period September 1, 1934, to March 1, 1935.

SET FOR HEARING

WJJD—WJJD, Inc., Chicago, Ill.—Modification of license to
1130 change power and hours of operation from 20 KW, limited time, to 20 KW limited time from 6 a. m. to 8:30 p. m., sunset at Salt Lake, and 5 KW after sunset at Salt Lake, to 8:30 p. m., CST, specified hours.

KPPC—Pasadena Presbyterian Church, Pasadena, Calif.—Modifi-
1210 cation of license to increase power from 50 to 100 watts.

KCRC—Enid Radiophone Company, Enid, Okla.—Modification of
1360 license to change frequency, power and hours of operation from **1370 kc.,** 100 watts, 250 watts LS, share KGFG, to **1360 kc.,** 250 watts, unlimited time.

WATR—Harold Thomas, Waterbury, Conn.—Modification of
1200 license to change frequency and hours of operation from **1190 kc.,** daytime, to **1200 kc.,** unlimited.

MISCELLANEOUS

WLLH—Albert S. Moffat, Lowell, Mass.—Granted modification of
1370 C. P. to move transmitter locally in Lowell, Mass.

WBNX—Standard Cahill Co., New York City.—Granted permis-
1350 sion to withdraw application in Docket No. 2467 without prejudice, and granted continuance of 30 days of hearing scheduled for September 5.

KGHI—Loyd Judd Co., Little Rock, Ark.—Hearing scheduled for
1200 August 29 continued for 60 days.

KTUL—Tulsa Broadcasting Co., Inc., Tulsa, Okla.—Granted 30-
1400 day continuance of hearing set for August 30.

Unity School of Christianity, Kansas City, Mo.—Denied petition requesting reconsideration and grant of application for new experimental broadcast station; also denied right to protest grant of application of First National Television, Inc.

NEW—Harold E. Smith, Rensselaer, N. Y.—C. P. for new station;
1370 **1370 kc.,** 100 watts, unlimited time (facilities WGLC).

WBZA—Westinghouse Electric and Manufacturing Co., Boston,
990 Mass.—Special experimental authority, **990 kc.,** 1 KW, unlimited time, when synchronized with WBZ, with option of transmitting dissimilar programs over WBZA daytime up to 1 hour before sunset.

WKEU—Radio Station WKEU, La Grange, Ga.—C. P. to move
1370 station to Chattanooga, Tenn., change frequency to **1370 kc.,** and hours of operation to daytime.

APPLICATIONS RECEIVED

First Zone

NEW—Onondaga Radio Broadcasting Corp., Portable-Mobile.—Construction permit to erect a new general experimental broadcast station to be operated on **31100, 34600, 37600,** and **40600 kc.,** 5 watts.

NEW—Onondaga Radio Broadcasting Corp., Portable-Mobile.—Construction permit to erect a new general experimental broadcast station to be operated on **31100, 34600, 37600,** and **40600 kc.,** 5 watts.

WLBZ—Maine Broadcasting Co., Inc., Bangor, Maine.—Construc-
620 tion permit to install new equipment and increase power from 500 watts to 500 watts night, 1 KW daytime.

NEW—William J. Sanders, New Britain, Conn.—Construction per-
1380 mit to erect a new broadcast station to be operated on **1380 kc.,** 250 watts, daytime.

WLLH—Albert S. Moffat, Lexington, Mass.—Modification of con-
1370 struction permit authorizing removal of station from Lexington to Lowell, Mass., requesting local change in location.

W8XAI—Stromberg Carlson Tel. Mfg. Co., Rochester, N. Y.—Modification of construction permit requesting extension of required date of completion.

Second Zone

NEW—Associated Radiocasting Corp., Portable.—Construction permit to erect a new general experimental broadcast station to be operated on **31100, 34600, 37600, 40600 kc.,** 15 watts.

WJW—WJW, Inc., Akron, Ohio.—Construction permit to install
1210 new equipment and increase power from 100 watts to 100 watts night, 250 watts daytime.

WHJB—Pittsburgh Radio Supply House, Greensburgh, Pa.—Modi-
620 fication of construction permit authorizing erection of a new broadcast station requesting approval of exact transmitter and studio location.

Third Zone

WFLA-WSUN—Clearwater Chamber of Commerce and St. Peters-
640 burg Chamber of Commerce, Clearwater, Fla.—Special experimental authorization to install new equipment with directional antenna, operate on the frequency **640 kc.,** with 5 KW power.

WBBZ—Estate of C. L. Carrell, deceased, Ponca City, Okla.—Con-
1200 struction permit to move transmitter and studio locally amended re filed in name of Estate of C. L. Carrell, deceased, by Howard Johnson, Representative.

NEW—Lake Region Broadcasting Co., Lakeland, Fla.—Construc-
1370 tion permit to erect a new broadcast station to be operated on **1310 kc.,** 100 watts, unlimited time.

WGCM—Grace Jones Stewart, under the trade name of Great
1210 Southern Land Co. (not inc.), Gulfport, Miss.—Special experimental authorization to operate with an additional 150 watts night and make changes in specified hours.

WIOD-WMBF—Isle of Dreams Broadcasting Corp., Miami, Fla.—
940 Construction permit to install new equipment, move studio, change frequency from **1300 kc.** to **940 kc.,** increase power from 1 KW to 1 KW night, 2½ KW daytime.

WHEF—Attala Broadcasting Corp., Kosciusko, Miss.—License to
1500 cover construction permit for the erection of new station to be operated on **1500 kc.,** 100 watts night, 250 watts daytime, unlimited time.

Fourth Zone

WGL—F. C. Zieg (Allen Wayne Co.), Fort Wayne, Ind.—Con-
1300 struction permit to make changes in equipment, change frequency from **1370 kc.** to **1300 kc.,** and increase power from 100 watts to 250 watts night, 500 watts daytime.

WGL—F. C. Zieg (Allen Wayne Co.), Fort Wayne, Ind.—Authority
1370 to determine operating power by direct measurement.

WOWO—Main Auto Supply Co., Fort Wayne, Ind.—Authority to
1160 determine operating power by direct measurement.

NEW—Robert J. Woolsey, Chicago, Ill.—Construction permit to erect a new general experimental broadcast station to be operated on **31300 kc.,** 25 watts.

NEW—The Journal Company (The Milwaukee Journal), Milwaukee, Wis.—License for a general experimental broadcast station for **1614, 2398, 3492.5, 4797.5, 6425, 8655 kc.,** and 1 KW.

WHBY—WHBY, Inc., Green Bay, Wis.—Construction permit to
1200 install new equipment and increase power from 100 watts to 100 watts night and 250 watts daytime.

WCLS—WCLS, Inc., Joliet, Ill.—Modification of license to change
1310 hours of operation from specified to unlimited.

KSO—Iowa Broadcasting Company, Des Moines, Iowa.—Special
1320 experimental authorization requesting additional power of 250 watts night amended to request also an additional power of 1 KW daytime.

KSD—Pulitzer Publishing Co., St. Louis, Mo.—Modification of
550 license to change hours of operation from sharing with KFUO to unlimited, facilities of KFUO, amended to omit request for facilities of KFUO.

Fifth Zone

KGGM—New Mexico Broadcasting Co., Albuquerque, N. Mex.—
1230 Construction permit to make changes in antenna system and move station locally.

NEW—Bailey Brothers (Burton G., Theodore G., David G., and
1420 Clinton J.), San Diego, Calif.—Construction permit to erect a new broadcast station to be operated on **1420 kc.,** 100 watts, unlimited time.

KGBU—Alaska Radio and Service Co., Inc., Ketchikan, Alaska.—
900 License to cover construction permit authorizing move of transmitter and studio.

KGGM—New Mexico Broadcasting Co., Albuquerque, N. Mex.—
1230 Construction permit to move transmitter and studio locally and make changes in equipment.

KGW—Oregonian Publishing Co., Portland, Ore.—Modification of
620 construction permit authorizing removal of station, installation of new equipment, and increase in daytime power, requesting further changes in equipment and extension of commencement and completion dates.

NEW—Metro Broadcasting Co., A. Tornek and R. Lillie, Los An-
820 geles, Calif.—Construction permit to erect a new broadcast station to be operated on **820 kc.,** 100 watts night, 250 watts daytime, limited time, amended to request 100 watts day and night.

KALE—KALE, Inc., Portland, Ore.—Authority to install automatic
1300 frequency control amended re changes in equipment.

NEW—J. B. Kiefer, Los Angeles, Calif.—Construction permit to
1480 erect a new broadcast station to be operated on **1480 kc.,** 100 watts, daytime.

KOOS—H. H. Hanseth, Inc., Marshfield, Ore.—Modification of
1370 license to change hours of operation from daytime to up to 7 p. m., PST, during months sunset occurs prior to 7 p. m., with power of 100 watts.

KGB—Don Lee Broadcasting System, San Diego, Calif.—Modifica-
1330 tion of construction permit authorizing changes in equipment and increase in daytime power, requesting further changes in equipment and extension of commencement and completion dates.

KHJ—Don Lee Broadcasting System, Los Angeles, Calif.—Modifi-
900 cation of construction permit authorizing changes in equipment and increase in daytime power, requesting further changes in equipment and extension of commencement and completion dates.

KFRC—Don Lee Broadcasting System, San Francisco, Calif.—
610 Modification of construction permit authorizing changes in equipment and increase in daytime power, requesting further changes in equipment and extension of commencement and completion dates.

APPLICATIONS RETURNED

NEW—Herbert A. Roberge, Pittsfield, Mass.—Construction permit
1320 to erect a new broadcast station to be operated on **1320 kc.,** 250 watts, daytime. (Incomplete, jurat improper, and questionable transmitter site.)

NEW—The Ardmore Broadcasting Co., Ardmore, Okla.—Construc-
1210 tion permit to erect a new broadcast station to be operated on **1210 kc.,** 100 watts, specified hours. (Improperly executed and questionable equipment and transmitter site.)

NEW—Smith Broadcasting Co., Chattanooga, Tenn.—Construc-
1420 tion permit to erect a new broadcast station to be operated on **1420 kc.,** 100 watts, unlimited time. (Improperly executed and questionable transmitter site.)

NEW—William M. Mace, Glens Falls, New York.—Construction
1370 permit to erect a new broadcast station to be operated on **1370 kc.,** 100 watts, unlimited time. (Request of applicant.)

WAMC—Raymond C. Hammett, Selma, Ala.—Modification of con-
1420 struction permit to move station from Anniston to Selma, Ala., and change in frequency. (Request of applicant.)

NEW—E. B. Gish (Gish Radio Service), Abilene, Tex.—Construc-
1420 tion permit to erect a new broadcast station to be operated on **1420 kc.** or any other, 100 watts, unlimited time. (Rule 5, questionable equipment and transmitter site.)

WTCN—Minnesota Broadcasting Corp., Minneapolis, Minn.—
1250 Modification of construction permit to install new equipment and increase daytime power. (Jurat not executed and incomplete.)

KWKH—International Broadcasting Corp., Shreveport, La.—
1100 Modification of special experimental authorization for approval of transmitter site. (Request of applicant.)

KPCB—Queen City Broadcasting Co., Seattle, Wash.—Modifica-
710 tion of construction permit requesting change in equipment, unlimited time, and extension of commencement and completion dates. (Request of applicant.)

The National Association of Broadcasters

NATIONAL PRESS BUILDING ★ ★ ★ ★ ★ WASHINGTON, D. C.

PHILIP G. LOUCKS, Managing Director

NAB REPORTS

★ ★ ★ ★

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GET IN YOUR STATEMENTS

Many broadcasters apparently do not fully realize the importance of the October 1 hearing before the Federal Communications Commission.

They do not realize apparently that from this general hearing, Congress may be expected to formulate future policy with respect to the American broadcasting system. They do not realize that the Commission is required, by law, to report to Congress its recommendations for new legislation. These recommendations will be based on the actual facts presented at the general hearing.

Replies to the request for facts sent out two weeks ago are coming in slowly. Every broadcaster must realize his responsibility, and get his statement of facts prepared and filed with the Association at once. Don't forget to have the statement sworn to.

Any broadcaster who is willing and able to come to Washington and testify in person at the hearing should so indicate when he sends in his statement to the Association.

You have been notified by the Commission of the hearing and you are afforded an opportunity to testify either in person or file a statement through the NAB. We have tried to indicate to you the type of information which in our judgment the Commission will want to have to formulate its report.

When the Federal Radio Commission made its study in 1931 all stations cooperated. The October 1 hearing is even more important and you are urged, in your interest, to spare no time or effort to assemble and transmit to the NAB information about your station. Every station is expected to have its statement in our hands by September 15. From these statements the case will be built. We are helpless unless every NAB member gives active cooperation.

COPYRIGHT SUIT WAITS ASCAP MOVE

The next move in the copyright suit filed by the Government against ASCAP, et al., is up to the ASCAP. The defendants have twenty days in which to file an answer to the bill filed by the Government.

ALL ROADS LEAD TO CINCINNATI

Arrangements are complete for the Twelfth Annual Convention of the NAB to be held at Netherland-Plaza, Cincinnati, Ohio, September 16, 17, 18 and 19. Hotel reservations are coming in rapidly and indications are that a record-breaking crowd will be in attendance.

Have you made your hotel reservations?

Have you given notice of the appointment of your delegate and alternate?

Have you received your railroad certificate?

Make your arrangements to be in Cincinnati in time to take part in the Golf Tournament.

SPEARMAN NAMES NINE AIDS

Paul D. P. Spearman, general counsel of the Federal Communications Commission, this week announced five appointments to the Commission's Law Department. They are:

Col. Davis G. Arnold, of Washington. Member of the Rhode Island Bar. Acted as counsel to the Senate Committee that investigated the Veterans' Bureau, later becoming Assistant Director, National Guardianship Officer and Assistant Solicitor in the Veterans' Administration. In this work he served as Special Assistant to the Attorney General, and as Special Assistant to the United States Attorneys in many jurisdictions in the prosecution as well as defense of provisions of the World War Veterans' Act.

Melvin H. Dahlberg of New York. Practicing attorney in New York City for the past thirty years. Former Assistant Tax Commissioner of the city. In 1906-07 Mr. Dahlberg was a member of the commission appointed by the New York State Superintendent of Insurance to supervise the election of trustees of the Mutual Life Insurance Company.

John P. Bramhall of Washington. Former counsel for the Kansas City Street Railway Company. In 1918 Mr. Bramhall became Chief Counsel for the Federal Government in the prosecution of cases arising out of the military and naval operations in the World War. In this work he served as Special Assistant to the Attorney General, and as a result of the litigation carried on under his direction the United States recovered more than $1,500,000.

Albert E. Stephan, of Washington. Examiner for the Interstate Commerce Commission for five years. Later attorney for the Commission in its national investigation of motor transportation. Mr. Stephan served as attorney for the Federal Co-ordinator of Transportation for one year, and was special assistant to the Senate Committee on Interstate Commerce during the drafting of the Communications Act of 1934, Emergency Railroad Act of 1933, Railway Labor Act, and other legislation.

A. V. Dalrymple of Texas. Former member of the U. S. Government in the Philippines. Served in the World War as a major. Prepared the ethnographic maps defining the new boundaries of Poland and the Slavonian countries. Later served as Chief Attorney of the Board of Contract Adjustment.

Annie Perry Neal, of North Carolina. Miss Neal graduated from Wake Forest Law School in 1932, enjoying the distinction of being the first student to be awarded the highest scholastic honors conferred by the school. She is a member of the Committee on Legislation and Law Reform of the North Carolina Bar Association. She has also served on the staff of the Raleigh *News and Observer* and the Durham *Sun*.

Elizabeth C. Smith, of Oklahoma. A graduate of the Okmulgee Law School in 1929, and a former member of the office of the Hon. Paul A. Walker, Chairman of the Corporation Commission of Oklahoma.

F. U. Fletcher, of North Carolina. A graduate of the Duke

THE LAST ROUNDUP!

NAB CONVENTION OPENS IN CINCINNATI, OHIO

SUNDAY, SEPTEMBER 16!

ATTEND THE BIGGEST BROADCASTERS' MEETING IN TWELVE YEARS!

SEE YOU IN CINCINNATI!

University Law School and a member of the North Carolina Bar Association.

Marshall S. Orr, of Oregon. A former member of the U. S. Air Mail Service. He has been with the Bureau of Inquiry of the Interstate Commerce Commission since 1931.

KILLEEN NAMED BROADCAST DIRECTOR

The Federal Communications Commission, of which E. O. Sykes is Chairman, sitting en banc, Friday named the Directors of the three Divisions established July 17, 1934, when the set-up of the new organization was announced.

John Killeen, of New York, was named Director of the Broadcasting Division; Robert T. Bartley, of Texas, was named Director of the Telegraph Division, and A. G. Patterson, of Alabama, Director of the Telephone Division.

Brief sketches of these new additions to the staff of the Commission follow:

John Killeen, Broadcast Director

John Killeen, whose present residence is in New York City, was born in Troy, N. Y., in 1876.

His first position was that of a clerk in the Traffic Department of the New York Central Railroad. He remained with that company for nine years and was promoted for meritorious service to be Chief Clerk of the Traffic Department.

He resigned that position to serve as a member of the Assembly of New York, where he was very active and sponsored and supported important and constructive legislation.

For fifteen years Mr. Killeen was connected with the General Electric Company serving as a contact man between the parent company and holding companies. During that period he served on various committees of the National Electric Association and was active in formulation of policies.

At the time of his resignation from the General Electric Company he was representing that company in broad administrative matters and on policy questions.

Mr. Killeen established and published a weekly newspaper from 1924 to 1933 which was devoted to the discussion of state and national subjects.

From 1930 to 1932 Mr. Killeen devoted much time and study to radio as a means for the dissemination of news and other information.

Robert T. Bartley, Telegraph Director

Mr. Bartley received his education in the School of Commerce at Southern Methodist University and Metropolitan Business College at Dallas, Texas, and later was connected with concerns at Dallas as an accountant and manager. He began work in Washington as statistician in the investigations (under the direction of Dr. W. M. W. Splawn, then Special Counsel for the House Committee on Interstate and Foreign Commerce and now an Interstate Commerce Commissioner) into holding companies in the utilities field. Mr. Bartley was promoted to be executive secretary of the investigating staff and served as such throughout the investigation of holding companies in the communication field. The result of that investigation are embodied in House Report No. 1273 which gives special mention to Mr. Bartley's work.

Among the companies studied in House Report No. 1273 are the Western Union Telegraph Company, the International Telephone and Telegraph Corporation, the American Telephone and Telegraph Company and the Radio Corporation of America, as well as others over which the Federal Communications Commission now has jurisdiction. Among other things the report recommended that the Congress enact legislation to create a Communications Commission with power and funds for a thorough and detailed investigation of the large communications companies.

A. G. Patterson, Telephone Director

A. G. Patterson is a native of Decatur, Alabama, and is 50 years of age. He attended the public schools of Alabama and obtained his A. B. Degree at Terrill College, Decherd, Tennessee.

From 1920 to 1928 he served as President of the Alabama Public Utilities Commission which became one of the outstanding regulatory bodies in the United States.

That Commission under his guidance conducted many proceedings and investigations involving rates, fares, charges, practices and valuations of telephone and telegraph companies as well as other public utilities under jurisdiction of the Commission.

While President of the Utilities Commission, Mr. Patterson was elected head of the National Association of Railroad and Utility Commissioners. He resigned as a Commissioner on the Utility Board to accept appointment by the Governor of Alabama as a Probate Judge of Morgan County, serving four years.

From April 1, 1933, to June 15, 1934, Mr. Patterson was engaged by the special Senate Committee appointed to investigate ocean mail and air mail contracts, as Chief Investigator.

For 20 years Mr. Patterson has been a member of the Board of Directors of the Tennessee Valley Bank, Decatur, Alabama, one of the leading financial institutions in the South. In 1926 he was a candidate for Governor of Alabama.

FIELD FORCE TO BE REORGANIZED

The Commission placed its field force on a temporary basis for a period not to exceed 60 days, pending a reorganization now in process under the direction of Chief Engineer C. B. Jolliffe.

COMMISSIONER WALKER NAMES SECRETARY

John J. Hassler took the oath of office Friday as Secretary to Commissioner Paul A. Walker, Chairman of the Telephone Division. He was born at Phillipsburg, Kansas, July 12, 1906. He was acting Secretary of Corporation Commission of Oklahoma from February to June, 1933. He attended the Okalhoma City School of Law three terms, September 1 to July 1, for each of the years 1931-32, 1932-33 and 1933-34.

McNARY SAILS FOR LISBON SEPT. 12

J. C. McNary, technical director of the NAB, will sail from New York on the *Manhattan* for Lisbon, Portugal, on September 12. He will represent the NAB at the meeting of the International Consulting Committee on Radiocommunication which opens in Lisbon on September 20. The meeting will continue in session until October 10.

The CCIR conference will consider such aspects of radio communication as have an international import, and formulate opinions based on technical considerations for later use at the International Radio Convention to be held in Cairo, Egypt, in 1937. The CCIR has an official standing under the Madrid convention.

Mr. McNary has represented the NAB during the weeks of conferences preparatory to the Lisbon conference and he will be the only representative from the broadcasting industry to attend the meeting. It is the first time that NAB will have been represented at a meeting of the CCIR and Mr. McNary will attend the September meeting as an active participant in the deliberations.

ADVERTISING CONTRACTS INVESTIGATED

The Code Authority for the Radio Broadcasting Industry this week instituted its first nation-wide investigation of advertising contracts by requesting radio stations and networks to furnish the Code Authority with sworn statements showing the following:

"1. Whether you have any contract either written or oral to broadcast programs advertising 'Crazy Crystals.'

"2. All the terms and conditions of such contract (A copy of the contract duly certified as to correctness is preferred)."

The request for information was contained in Code Authority official bulletin No. 11 which has been mailed to all stations.

According to James W. Baldwin, executive officer of the Code Authority, contracts which are not in conformity with the provisions of the broadcasters code must be adjusted and in the event offending stations refuse to make such adjustment they will be certified to the Compliance Division of the NRA with a request that they be prosecuted under the National Industrial Recovery Act.

DON LEE

News has reached Washington of the death of Don Lee, president of the Don Lee Broadcasting System. Mr. Lee was a pioneer in broadcasting and founder of the Pacific Coast network which bears his name. For years he was a member of the Board of Directors of the NAB and took an active part in the work of the organization. The broadcasting industry has lost an able leader and the NAB has lost an ardent supporter in the passing of Mr. Lee.

SECURITIES ACT REGISTRATION

The following companies have filed registration statements with the Federal Trade Commission under the Securities Act:

Mutual System, Inc., Bridgeport, Conn. (2-1078, Form A-1)
James Hanley Company, Providence, R. I. (2-1079, Form A-1)
Payore Gold Mines, Ltd., Toronto, Canada. (2-1080, Form A-1)
Mellgren Mines Corporation, Tombstone, Ariz. (2-1081, Form A-1)
Durango Placer Gold Mining Company, Wilmington, Del. (2-1082, Form A-1)
Maryland Court Bondholders Committee, Chicago, Ill. (2-1083, Form D-1)
Properties Realization Corporation, New York City. (2-1084, Form E-1)
Darragh A. Park, William B. Neergaard, abd D. C. W. Birmingham, voting trustees, New York City. (2-1085, Form F-1)
Futures Requirements Plan, Inc., New York City. (2-1086, Form C-1)
Medico-Dental Building Co., San Diego, Cal. (2-1087, Form E-1)
Crown Drug Company, Inc., Kansas City, Mo. (2-1088, Form E-1)
Economic Analysis, Inc., New York City. (2-1089, Form C-1)

EDUCATION BY RADIO DISCUSSED

Use of the radio as a means of presenting public school matters to the attention of the public is considered very effective according to the National Survey of Secondary Education findings reported in its monograph, "Interpreting the Secondary School to the Public," now available from the Government Printing Office, Washington, D. C. The report is termed Monograph No. 16 and costs 15 cents per copy.

"The director of public school publicity," it is explained, "when on the radio, is more in control of what will go before the public than he would be if his remarks were left to an editor for publication in a newspaper or magazine. In speaking over the radio he can select the facts he wishes to make public and can utilize psychological requisites 'to put across' his objective."

"SCHOOL LIFE" LISTS RADIO PROGRAMS

The monthly journal of the Federal Office of Education will list educational radio programs in future issues, according to an announcement made this week by William D. Boutwell, editor-in-chief of the publication.

The journal also lists a number of other important features including a month to month account of the Federal Emergency Education Program; aids for debaters; school reports; CCC Education; and summaries of the policies and program of the Federal Office of Education.

The publication may be secured through the Superintendent of Documents, Government Printing Office, Washington, D. C., at a cost of 10 cents per copy or $1.00 per year for ten issues.

KWKH PETITIONS TO INTERVENE

Broadcasting Station KWKH has filed a petition in the Court of Appeals of the District of Columbia to intervene in the appeals of T. G. Roberts, formerly connected with that station.

In his petition filed with the Court, Roberts appealed against a grant to KWKH by the Commission allowing it to change its frequency from 850 to 1100 kilocycles. He also appealed against a grant by the Commission to Station WWL of unlimited time on 850 kilocycles. He has no application pending with the Commission in connection with either frequency.

RECOMMENDS WIS GRANT

Station WIS, Columbia, S. C., applied to the Communications Commission to change its frequency from 1010 to 560 kilocycles, and to increase its power from 500 watts and 1,000 watts L.S. to 1,000 watts and 2,500 watts L.S. On June 15 the Radio Commission granted the application, following which protests were filed. In Examiner's Report No. I-3 Ralph L. Walker (e) recommends that the Commission affirm the grant of the Radio Commission.

The Examiner states that when the case was called for hearing counsel for Stations WFI and WLIT withdrew their protests of the grant and WQAM did not appear. In conclusion the Examiner says "the Commission having heretofore granted the application of Station WIS, Inc., for construction permit, protest having been filed, the protestants afforded an opportunity to present evidence, and no evidence having been offered, it is recommended that the Commission affirm and make effective the grant heretofore made on June 15, 1934."

NO RECOMMENDATION ON KTAR

Station KTAR, Phoenix, Ariz., applied to the Communications Commission to have its nighttime power increased from 500 to 1,000 watts. It operates on 620 kilocycles. George H. Hill (e) in Examiner's Report No. I-2 makes no recommendation but does reach some conclusions.

This case has been heard before by an Examiner of the Radio Commission and that Commission on June 30 granted special temporary experimental authority for this power increase to make a test. The Examiner in his conclusion says:

"In the light of the experimental operation of KTAR with the additional power of 500 watts, some interference would result at or near the one millivolt contour of Station KGW at Portland, Oregon. However, from a practical listeners' standpoint, the interference would not be destructive, and at most Station KGW would not be limited in service to a lesser area than that bound by the 2 millivolt contour, while Station KTAR is now limited to approximately its 4 millivolt contour."

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

MONDAY, SEPTEMBER 10, 1934

Oral Argument Before Commission En Banc (Broadcast Division)

Examiner's Report No. 549

WMBD—Peoria Broadcasting Co., Peoria, Ill.—Modification of license; **1440 kc.,** 500 watts, unlimited time. (Requests facilities WTAD.) Present assignment: **1440 kc.,** 500 watts, 1 KW-LS; shares with WTAD.

WTAD—Illinois Broadcasting Corp., Quincy, Ill.—Renewal of license; **1440 kc.,** 500 watts; shares with WMBD.

Examiner's Report No. 562

KICK—Red Oak Radio Corp., Carter Lake, Iowa.—Consent to voluntary assignment; **1420 kc.,** 100 watts; unlimited time.

KICK—The Palmer School of Chiropractic, Carter Lake, Iowa—C. P.; **1370 kc.,** 100 watts. (Requests facilities KICK.)

WEDNESDAY, SEPTEMBER 12, 1934

WICC—Southern Connecticut Broadcasting Corp., Bridgeport, Conn.—C. P.; **600 kc.,** 500 watts, 1 KW-LS; specified hours. Present assignment: **600 kc.,** 500 watts; specified hours.

APPLICATIONS GRANTED

KADA—C. C. Morris, Ada, Oklahoma.—Granted modification of **1200** C. P. approving transmitter location and move of studio to Highway No. 48, 1 mile north of Ada, Okla., installation of new equipment, extension of commencement and completion dates from 8-6-34 and 11-6-34 to 30 days after grant and 90 days after grant, respectively.

KOL—Seattle Broadcasting Co., Seattle, Wash.—Granted modifi-**1270** cation of C. P. Extension of completion date from 9-25-34 to 10-25-34.

WTAX—WTAX, Inc., Springeld, Ill.—Granted license to cover **1210** C. P.; **1210 kc.,** 100 watts; shares with WCBS.

WFBC—Greenville News-Piedmont Co., Greenville, S. C.—Granted **1300** license to cover C. P.; **1300 kc.,** 250 watts night, 1 KW-LS, unlimited.

KGKL—KGKL, Inc., San Angelo, Texas—Granted license to cover **1370** C. P.; **1370 kc.,** 100 watts night, 250 watts, LS, unlimited.

W6XAI—Pioneer Mercantile Co., Bakersfield, Calif.—Granted modification of C. P. (Exp.-Exp. Broadcast). Extension of completion date from 9-11-34 to 12-11-34.

W2XAG—R. D. Lemert, Portable (New York)—Granted license to cover C. P. (Exp.-Exp. Visual Broadcasting). **42000-56000, 60000-86000 kc.,** 100 watts, A3, A4.

W9XDT—Purdue University, Portable (Lafayette, Inc.)—Granted license to cover C. P.; **890 kc.,** 50 watts, A1, A2, A3.

WPFB—Otis P. Eure, Hattiesburg, Miss.—Granted special tem-
1370 porary authority to operate from 9:30 a. m. to 11:00 a. m. and 1:00 p. m. to 4:30 p. m., CST, Sept. 6 and 7, 1934, in order to broadcast meeting of Mississippi State Bar Association.

KSUN—Copper Electric Co., Inc., Lowell, Ariz.—Granted special
1200 temporary authority to remain on the air after local sunset on the nights of Sept. 11, 1934 and Nov. 6, 1934 for the purpose of broadcasting election returns.

WBHS—Virgil V. Evans, Huntsville, Ala.—Granted special tem-
1200 porary authority to remain silent for a period not to exceed 90 days but in no event for a period longer than 3 a. m., EST, Dec. 1, 1934, in order to obtain a location for the station.

WRGA—Rome Broadcasting Corp., Rome, Georgia—Granted spe-
1500 cial temporary authority to operate from 9:00 p. m. to 12:00 midnight, CST, Sept. 12, 1934, in order to broadcast election returns.

SET FOR HEARING

KFUO—Evangelical Lutheran Synod of Missouri, Ohio and other
640 states, Rev. R. Kretzschmar, Chairman, Board of Control of Concordia Seminary, Clayton, Mo. — Modication of license: Change frequency, increase power and change hours of operation from **550 kc.,** 500 watts night, 1 KW-LS; shares KSD to **640 kc.,** 1 KW day, 1 KW to sunset, Los Angeles, specified hours (hours not used by WOI during daytime and to operate from LS to sunset at Los Angeles. Part facilities of WOI).

KGDM—E. F. Peffer, Stockton, Calif.—Construction permit: Move
1100 transmitter from 42 S. California Street to location to be determined, Stockton, Calif., change transmitter and increase power from 250 watts to 1 KW, change hours from daytime to unlimited.

MISCELLANEOUS

WSMK and KQV—Dayton, Ohio, Pittsburgh, Pa.—Hearing sched-
1380 uled for Sept. 25th continued to October 19th. (Application for special experimental authority to operate simultaneously, unlimited time.)

Julio M. Conesa, Ponce, Puerto Rico—Granted authority to take depositions in reapplication for C. P. for new broadcast station. Case was heard before an Examiner and Commission has remanded it to the Examiner for the taking of further testimony. Now scheduled for hearing Sept. 24, 1934. The Commission today ratified previous action by Chairman Gary of the Broadcasting Division.

WDGY—Dr. Geo. W. Young, Minneapolis, Minn.—Granted au-
1180 thority to take depositions in reapplication for C. P. to make changes in equipment and increase power from 1 KW to 1 KW night, 2½ KW-LS, change time from limited to unlimited. Case to be heard before Commission en banc Sept. 24, 1934.

WGLC—The Adirondack Broadcasting Co., Inc., Hudson Falls,
1370 N. Y.—Set for hearing application for C. P. as amended, to move station to Albany, N. Y., and operate on its present frequency, **1370 kc.,** with 100 watts, unlimited time.

Marion K. Gillian, Staunton, Va.—Reaffirmed grant of C. P. for new radio station at Staunton, Va., to operate on **550 kc.,** with 500 watts power, daytime. KSD, St. Louis, Mo., has withdrawn its protest and Commission dismissed protest of WEHC, Charlottesville, Va.

APPLICATIONS RECEIVED

NEW—National Broadcasting Co., Inc., Portable-Mobile—Construction permit to erect a new general experimental broadcast station to be operated on **17310, 25700, 26000, 27100, 31100, 34600, 37600, 40600, 86000 to 400000 kc.,** 1 watt.

NEW—National Broadcasting Co., Inc., Portable, Mobile—License to cover above.

NEW—National Broadcasting Co., Inc., Portable, Mobile—Construction permit to erect a new general experimental broadcast station to be operated on **17310, 25700, 26000, 27100, 31100, 34600, 37600, 40600, 86000 to 40000 kc.,** 1 watt.

NEW—National Broadcasting Co., Inc., Portable-Mobile—License to cover above.

NEW—Frank Lyman, Jr., Boston, Mass.—Construction permit to
680 erect a new broadcast station to be operated on **680 kc.,** 250 watts and limited time amended to request limited time until sunset at Raleigh, N. Car.

WATR—Harold Thomas, Waterbury, Conn.—Voluntary assign-
1190 ment of license to the WATR Company, Inc.

NEW—Joseph M. Kirby, Boston, Mass.—Construction permit to
970 erect a new broadcast station to be operated on **970 kc.,** 250 watts night, 500 watts daytime, unlimited time.

NEW—Williard G. Demuth, Uhrichsville, Ohio—Construction per-
1420 mit to erect a new broadcast station to be operated on **1420 kc.,** 100 watts, daytime.

WSEN—Columbus Broadcasting Corp., Columbus, Ohio—Volun-
1210 tary assignment of license to WCOL, Incorporated.

KIKI—Liner's Broadcasting Station, Inc., Portable in and around Monroe, La.—License to cover construction permit for broadcast pickup station for **2150 kc.,** 75 watts.

WTOC—Savannah Broadcasting Co., Inc., Savannah, Ga.—License
1260 to cover construction permit authorizing changes in equipment and increase in power.

WDSU—Joseph H. Uhalt, New Orleans, La.—Voluntary assign-
1250 ment of license to WDSU, Incorporated.

WMBH—Joplin Broadcasting Co., Joplin, Missouri—Modification
1420 of license to change hours of operation from specified to unlimited.

KMO—KMO, Inc., Tacoma, Washington—Modification of license
1330 to increase power from 250 watts to 250 watts night, 500 watts daytime, amended to request 500 watts day and night.

The National Association of Broadcasters

NATIONAL PRESS BUILDING ★ ★ ★ ★ ★ WASHINGTON, D. C.

PHILIP G. LOUCKS, Managing Director

NAB REPORTS

★ ★ ★ ★ ★

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SEPT. 11, 1934

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BROADCAST ADVERTISING IN JULY

Developments of the Month

BROADCAST advertising in July totaled $4,375,463, a decrease of 19.2% as compared with June. National spot volume decreased 31.4% as compared with June, national network business 22.9%, regional network volume 9.0%, and local advertising 17.1%. Time sales in July were 37.6% below the March peak. It is probable that this decline is slightly greater than the usual seasonal one. National spot advertising showed the most pronounced seasonal decline, dropping to approximately one-half its March volume.

Comparison with 1933

Total broadcast advertising volume during July was 11.6% greater than during the same month of 1933. National network advertising was 37.8% above last year. Regional network volume experienced a similar increase, while national spot volume rose by 4.4%. Local advertising declined 20.4% as compared with July, 1933. Lagging retail trade and the slow revival of many small businesses undoubtedly have been to blame.

Comparison with Other Media

The July seasonal decline in broadcast advertising was somewhat less than that experienced by other media. Magazine volume dropped approximately 30.0%, farm paper volume 27.0%, and newspaper advertising 22.0%. Magazine advertising volume in July was 25.1% greater than in 1933. National farm papers registered a 44.0% increase over the previous year and newspapers an increase of 6.2%.

Other Trends of the Month

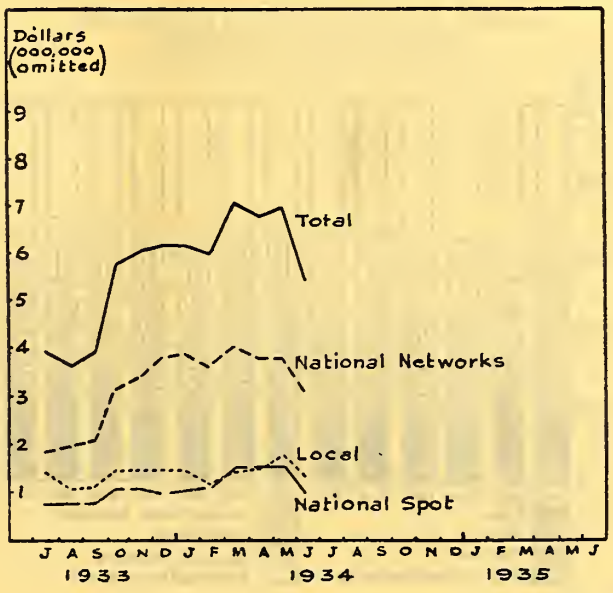
Heaviest declines in non-network advertising during the month occurred in the over 5,000-watt station class. July revenues of these stations were 36.0% less than in June. Revenues of stations of the 250-1,000-watt class were 14.1% lower than in the preceding month, and those of 100-watt stations 9.0% less. Low-power regional stations and local stations were in a slightly better position than in July, 1933, while other classes of stations were somewhat below the level of the previous year.

The Mountain-Pacific Coast area alone recorded gains during the month, time sales in this section increasing 4.4% over June. Far Western revenues were 41.1% above last July, while those of the South Atlantic-South Central area showed an increase of 22.0%. Advertising in the New England-Middle Atlantic district was 11.6% above last year, and that of the North Central area 5.6%.

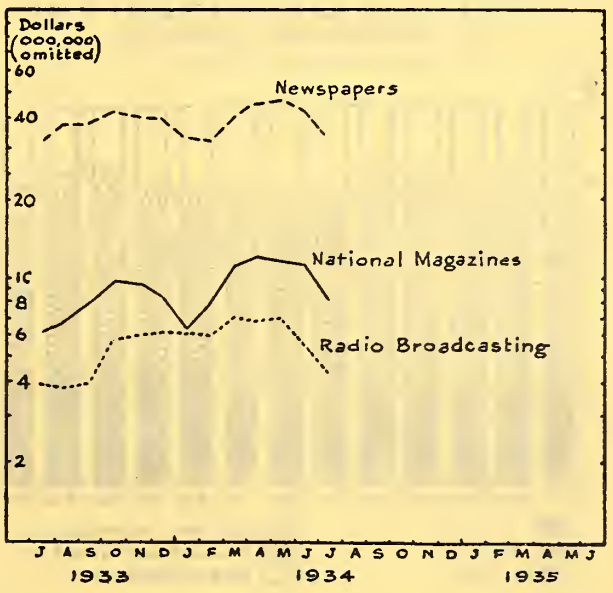
Electrical transcription volume declined 18.9% during the month, due principally to a dropping off of local business. Live talent volume declined 16.5%, record volume 50.0%, and spot announcement volume 8.4%. National spot business in the announcement field dropped 41.3% as compared with June. Electrical transcription volume in July was approximately the same as last year. Live talent volume was 2.6% greater than in July, 1933, due to a 70.7% rise in national spot live talent business. This seems to be a highly significant trend. Spot announcements were 28.8% under last July, with national spot business declining most heavily.

Trends as to sponsorship are discussed elsewhere in the report.

RADIO BROADCAST ADVERTISING VOLUME
July, 1933, to June, 1935

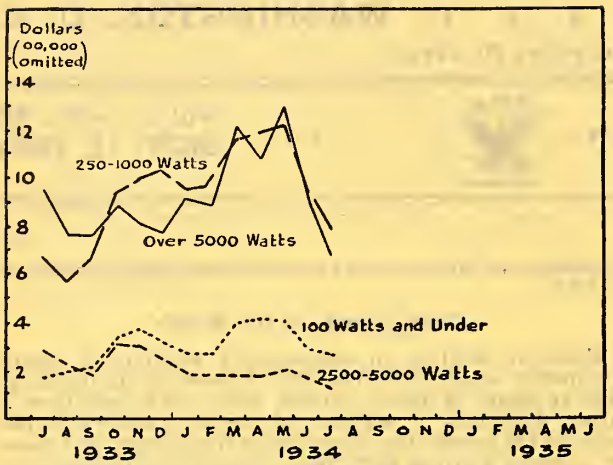


ADVERTISING VOLUME MAJOR MEDIA
July, 1933, to June, 1935



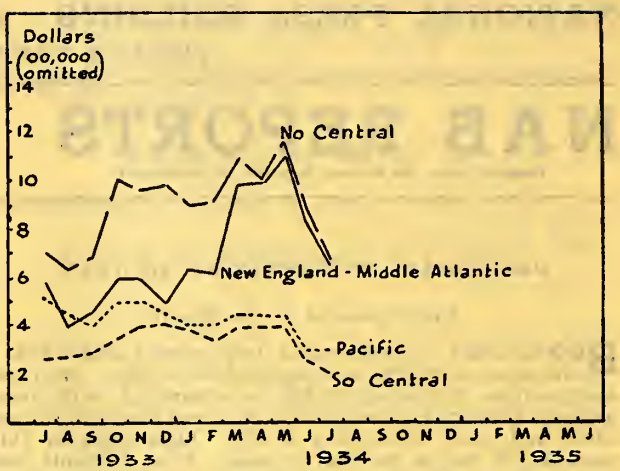
NON-NETWORK ADVERTISING BY STATION POWER

July, 1933, to June, 1935



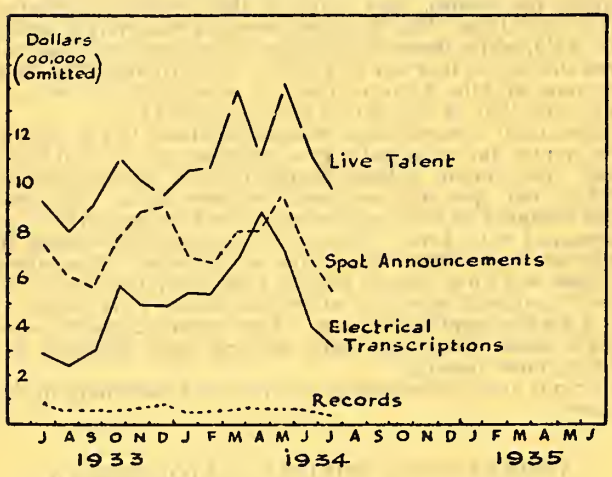
NON-NETWORK ADVERTISING BY GEOGRAPHICAL DISTRICTS

July, 1933, to June, 1935



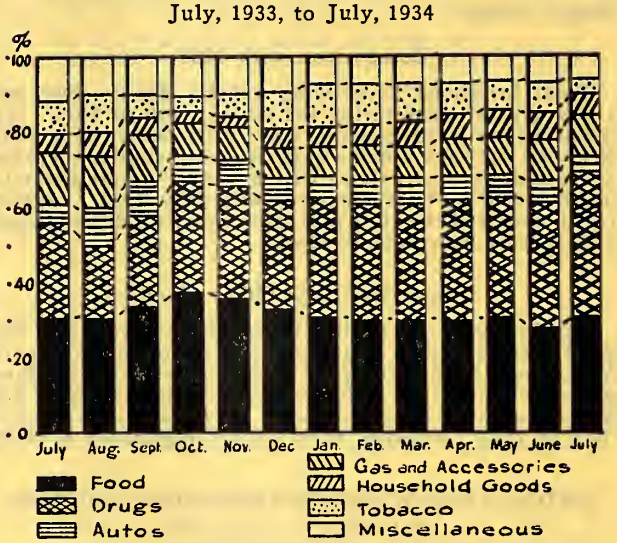
NON-NETWORK BROADCAST ADVERTISING BY TYPE OF RENDITION

July, 1933, to June, 1935



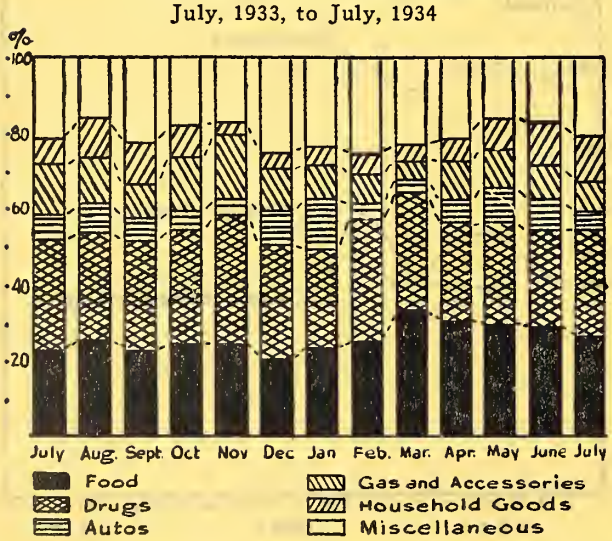
NATIONAL NETWORK ADVERTISING BY TYPE OF SPONSORING BUSINESS

July, 1933, to July, 1934



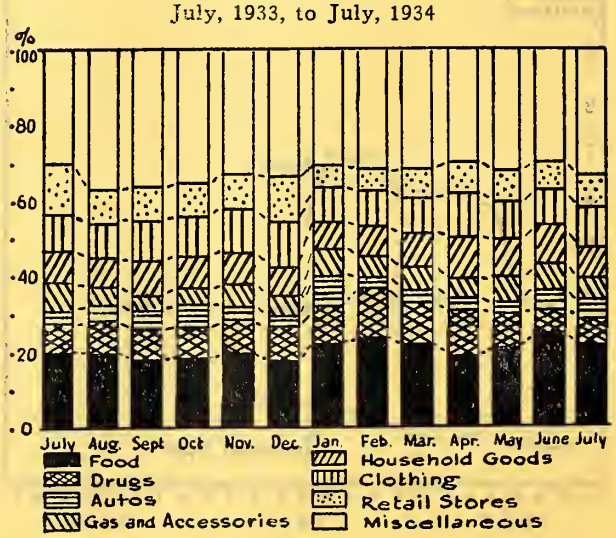
NATIONAL SPOT ADVERTISING BY TYPE OF SPONSORING BUSINESS

July, 1933, to July, 1934



LOCAL ADVERTISING BY TYPE OF SPONSORING BUSINESS

July, 1933, to July, 1934



Explanation of Charts

The principal information appearing in these reports will be presented in chart form from now on. Several features should be noted regarding individual charts. A scale showing *percentage of relative change* rather than absolute change has been used in the media chart. This chart, technically known as a semi-logarithmic chart, is necessitated by reason of limited space. The sponsorship charts (bar charts) show the percentage of business represented by various industries during the different months. The industrial groupings are condensations of those used in the sponsor tables.

Sponsor Trends in July

A general decline occurred in practically all fields, as compared with June, the decrease in revenues being particularly heavy in the automotive, beverage, household equipment, and tobacco fields. Only clothing advertising increased, registering a gain of 10.6%. A number of fields showed marked increases in volume over July, 1933. They included the following: Soap and kitchen supplies more than doubled; pharmaceuticals, a rise of 40.0%; cosmetics, 70.0%, and foodstuffs, 26.0%. Tobacco advertising was 46.0% less than in July, 1933, financial advertising 41.0%, and household equipment 10.0%. A summary of trends in the various fields is as follows:

1a. *Amusements.* Little or no change during the month. Volume increased slightly.

1. *Automobiles.* Down approximately one-third. Network advertising down about 50.0%, and national spot the same. Local volume fairly steady. Network volume 4.0% above July, 1933. Local volume 25.0% greater. Spot volume 17.0% lower than year ago.

2. *Accessories, gasoline and oil.* Down 18.0% as against June. Approximately 25.0% decline in national spot and local fields. July volume 8.0% ahead of last year, due mainly to 12.2% increase in network volume.

3. *Clothing.* Increase of 10.6% as against June. Mostly local gain. Clothing advertising 8.9% greater than same month of 1933. Network advertising more than tripled. National spot volume up 8.0%. Local volume 6.5% less than same month last year.

4. *Drugs and pharmaceuticals.* Down 13.3% compared to previous month. National networks down 20.0%, national spot 16.0%. Local gained slightly. July volume 40.0% above same month 1933. Networks up 66.7% and national spot 36.1%. Total down 20.0%.

5. *Toilet goods.* Down 10.0% during month, due mainly to national spot and local fields. Cosmetic advertising 70.4% above July last year. National network volume more than doubled. National spot down more than 50.0%. Local also below previous year.

6. *Foodstuffs.* Decline of 17.5% as compared with June. Networks down 23.2%, national spot 28.0%. Total decline slight. Food volume 26.0% above July last year. Network increase was 50.0%, national spot 23.0%. Local food advertising down 14.0% as compared with July, 1933.

7. *Beverages.* July volume 28.0% below previous month. Main loss a 50.0% decline in local revenue. Beverage advertising 20.0% above July, 1933, due mainly to doubling of national spot volume.

8. *Confectionery.* Slight decline, due mainly to 50.0% drop in national spot volume during month. Confectionery volume 15.0% above July, 1933.

9. *Household equipment and appliances.* Decline 30.0% during month. Slightly greater decrease in national spot volume. Current July 10.0% below preceding year, due mainly to 50.0% national network decrease.

10. *Soap and kitchen supplies.* Down 14.0% as compared with June, mostly network in origin. Soap and kitchen supply volume practically double July, 1933. National network and spot doubled, local up 50.0%.

11. *Insurance and financial.* Down 10.0%, mostly local in origin. Financial advertising 41.0% less than in July, 1933. Network decline 53.0%.

12. *Radio.* Revenues 19.0% less than in June. An 80.0% decrease in national spot volume. July volume slightly above last year.

13. *Department store and general store.* Decrease in department and general store volume 21.0% during month. Slight decline as compared with 1933.

14. *Tobacco products.* Decline 41.0% as compared with June. July advertising 46.0% below 1933.

15. *Miscellaneous.* Down 28.0% as against June. Decrease mostly local.

General Retail Advertising. Total retail advertising down 23.3% as against previous month. Sharp drop in retail automotive, accessory, food store, household equipment, furniture store, radio and department store advertising. Slight increases in clothing, hardware, and restaurant advertising.

RADIO BROADCAST ADVERTISING BY TYPE OF SPONSORING BUSINESS
(July, 1934)

Type of Sponsoring Business	Gross Receipts				
	National Networks	*Regional Networks*	*National Spot*	*Local*	*Total*
1a. Amusements	—	—	$8,200	$56,212	$64,412
1–2. Automobiles and Accessories:					
(1) Automobiles	$100,185	—	39,150	58,736	198,071
(2) Accessories, gas and oils	275,977	$13,999	65,232	69,830	425,038
3. Clothing and apparel	27,025	825	25,054	115,000	167,904
4–5. Drugs and toilet goods:					
(4) Drugs and pharmaceuticals	257,212	393	164,500	69,800	491,905
(5) Toilet goods	698,573	954	47,550	11,114	758,191
6–8. Food products:					
(6) Foodstuffs	491,513	7,829	156,670	183,800	839,812
(7) Beverages	257,112	5,229	42,800	54,867	360,008
(8) Confections	21,519	250	5,220	1,775	28,764
9–10. Household goods:					
(9) Household equipment and furnishings	11,835	—	24,920	80,850	117,605
(10) Soap and kitchen supplies	141,061	—	65,064	9,550	215,675
11. Insurance and financial	36,121	2,140	9,610	35,280	83,151
12. Radios	34,188	—	1,420	8,830	44,438
13. Retail establishments	—	—	2,530	83,920	86,450
14. Tobacco products	93,494	—	19,430	2,720	115,644
15. Miscellaneous	48,895	1,320	90,400	237,780	378,395
Total	$2,494,710	$32,939	$767,750	$1,080,064	$4,375,463

Business Conditions

The behavior of the major business indices seems to indicate that little improvement can be expected of business in September. July and August have been periods of gradual business recession. The cotton textile strike threatens to aggravate the situation during the current month. The New York Times Index of business activity declined approximately 6.0% during July, and registered a further decrease of nearly 2.0% during the first half of August. The index of steel production dropped from 27.0% of the 1923-25 average to 21.0% during the month. Cram's Reports estimate August automotive production to be 15.0% less than in the preceding month. Freight car loadings have not shown the customary seasonal in-

crease. Wholesale prices have increased somewhat due to the influence of farm products. Stock prices have remained relatively unchanged in recent weeks. July department store sales were 2.7% less than the preceding month, after allowance has been made for normal seasonal trends.

RETAIL ADVERTISING OVER INDIVIDUAL STATIONS

(July, 1934)

Type of Sponsoring Business	*Gross Receipts*
Automobiles and accessories:	
Automobile agencies and used car dealers	$41,600
Gasoline stations, garages, etc	25,740
Clothing and apparel shops	117,680
Drugs and toilet goods:	
Drug stores	7,365
Beauty parlors	3,570
Food products:	
Grocery stores, meat markets, etc	34,600
Restaurants and eating places [1]	20,420
Beverage retailers	1,343
Confectionery stores, etc	1,785
Household goods:	
Household equipment retailers [2]	25,160
Furniture stores	32,463
Hardware stores	9,640
Radio retailers	8,575
Department and general stores	86,450
Tobacco shops	540
Miscellaneous	35,720
Total	$449,081

[1] Exclusive of hotels.
[2] Such as electric refrigerators, oil burners, sweepers, furnaces, and the like.

TOTAL BROADCAST ADVERTISING VOLUME

	1934 Gross Receipts		
Class of Business	*June*	*July*	*Cumulative Jan.-July*
National networks	$3,103,796	$2,494,710	$24,493,576
Regional networks	35,599	32,939	350,190
National spot business	975,377	767,750	8,378,614
Local broadcast advertising	1,303,960	1,080,064	9,374,563
Total	$5,418,732	$4,375,463	$42,596,943

ADVERTISING VOLUME BY MAJOR MEDIA

	1934 Gross Receipts		
Advertising Medium	*June*	*July*	*Cumulative Jan.-July*
Radio broadcasting	$5,418,732	$4,375,463	$42,496,943
National magazines [1]	11,768,764	8,147,057	69,556,862
National farm papers	462,056	340,234	3,211,161
Newspapers [2]	42,839,000	34,462,900	276,998,150
Total	$60,488,522	$47,325,654	$392,363,116

[1] National magazine totals are for 108 periodicals, prepared by Publishers' Information Bureau, Inc., from which source national farm papers and networks are also taken.
[2] Estimated.

NON-NETWORK BROADCAST ADVERTISING BY POWER OF STATION

	1934 Gross Receipts		
Power of Station	*June*	*July*	*Cumulative Jan.-July*
Over 5,000 watts	$892,310	$673,354	$6,940,407
2,500-5,000 watts	158,500	124,470	1,262,065
250-1,000 watts	934,357	791,700	7,218,629
100 watts and under	294,170	258,290	2,332,076
Total	$2,279,337	$1,847,814	$17,753,177

NON-NETWORK BROADCAST ADVERTISING BY GEOGRAPHICAL DISTRICTS

	1934 Gross Receipts		
Geographical Districts	*June*	*July*	*Cumulative Jan.-July*
New England-Middle Atlantic Area	$841,786	$658,384	$5,908,885
South Atlantic-South Central Area	263,550	212,120	2,407,243
North Central Area	882,303	672,596	6,724,507
Pacific and Mountain Area	291,698	304,714	2,712,542
Total	$2,279,337	$1,847,814	$17,753,177

NON-NETWORK BROADCAST ADVERTISING BY TYPE OF RENDITION

	1934 Gross Receipts						
	National Spot		*Local*		*Total*		
Type of Rendition	*June*	*July*	*June*	*July*	*June*	*July*	*Cumulative Jan.-July*
Electrical transcriptions	$226,538	$224,745	$128,855	$95,995	$395,393	$320,740	$4,088,859
Live talent programs	460,737	397,450	686,690	559,964	1,147,427	957,414	8,197,617
Records	5,282	3,188	34,915	29,395	40,197	32,583	294,050
Spot announcements	242,820	142,367	453,500	394,710	696,320	537,077	5,172,651
Total	$975,377	$767.750	$1,303,960	$1,080,064	$2,279,337	$1,847,814	$17,753,177

The National Association of Broadcasters

NATIONAL PRESS BUILDING ★ ★ ★ ★ ★ WASHINGTON, D. C.

PHILIP G. LOUCKS, Managing Director

NAB REPORTS

Vol. 2 - - No. 46
SEPT. 13, 1934

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NAB MEETING ALL SET

Headquarters of the NAB will be established at the Netherland Plaza Hotel, Cincinnati, Ohio, from September 14 to 22.

All arrangements for the meeting are complete and according to reports from the hotel reservations are piling up.

The Cincinnati meeting will be one of the greatest meetings of broadcasters ever held.

COLONEL BROWN SPEAKS TUESDAY

Col. Thad H. Brown, vice chairman of the Broadcast Division of the Federal Communications Commission, will address the Twelfth Annual Convention of the NAB on Tuesday afternoon. He will speak on the subject of "It's Up To You". Col. Brown was appointed to the Federal Radio Commission from his native state of Ohio and was more recently appointed by President Roosevelt as a Republican member of the Communications Commission.

As general counsel of the Radio Commission, Col. Brown addressed the broadcasters at the meeting in Cleveland, Ohio, in 1930, and has always indicated an interest in the work of the broadcasters in their efforts at self regulation.

McNARY OFF TO LISBON

J. C. McNary, technical director of the NAB, sailed from New York for Lisbon, Portugal, where he will attend the meeting of the International Technical Consulting Conference, an official body under the Madrid Convention, and present the views of broadcasters on the questions to come before that meeting. Mr. McNary, over a period of months, has actively participated in the preparation of the United States Government's proposals at the conference. Important questions of allocation of frequencies to services will be decided at the Lisbon meeting and decisions reached will be made the basis for the next International Radio Conference to be held at Cairo, Egypt, in 1937. Mr. McNary will return to the United States late next month.

KILLEEN SWORN IN

John Killeen, recently appointed Director of the Broadcasting Division of the Federal Communications Commission, was sworn in on Monday.

SYKES ON TRIP

Judge Eugene O. Sykes, chairman of the Federal Communications Commission, will leave Washington the latter part of this week for Mississippi to vote in the run-off elections in his native state. He expects to return about September 21.

F. T. C. PRAISES BROADCASTERS

The radio broadcasting industry's compliance with the Federal Trade Commission's recent requirement for submission to it of copies of advertising programs broadcast by the networks and broadcasting stations has been so general that of 598 stations in the country, only 5 have as yet failed to file copies of their advertising programs with the Commission. All of the networks have complied.

"Of these five delinquent stations," says the Commission, "one is in Alaska and another in Hawaii, so that it is entirely possible that these two stations have complied with the Commission's request and that their continuities are in the mails in transit to Washington.

"On May 17, last, the Federal Trade Commission announced that radio advertising would be subjected to its scrutiny, under authority conferred upon the Commission by Section 5 of the Federal Trade Commission Act. The Commission announced at that time that beginning July 1st, all networks, broadcasting stations and transcription companies would be requested to file copies of their advertising programs with the Commission. During July, the Commission received 998 reports from network systems and broadcasting stations and 681 during August. Each of these reports contained advertising programs for one week. Of the programs submitted to the Commission, members of its staff have examined 117,357 and have on hand more than 50,000 which are now under examination. Of the 117,357 advertising programs already examined by members of the Commission's staff, 97,356 have been filed without action, having been passed as free from violation of the law prohibiting false and misleading advertising in interstate commerce. The remaining 19,991 programs already examined are being further checked, but it is probable that of these only a small percentage will be found to be in violation of law.

"Where programs are found to contain false or misleading statements, in violation of Section 5 of the Federal Trade Commission Act, the stations are communicated with and, generally speaking, the broadcasting companies and stations are taking the necessary steps to eliminate all objectionable matter and bring the advertising programs within the law.

"On July 30, the Commission advised the broadcasting stations that transmittal to it of advertising continuities might be discontinued until further notice. Somewhat later, the Commission will again require that such programs be submitted for another check-up. However, no letter of discontinuance was sent to the networks or the transcription companies and their programs are still being received.

"During July, under the first call for the submission of radio programs to the Federal Trade Commission, 114 stations failed to comply with the Commission's request. A follow-up letter was sent to these stations with the result that the number of stations failing to comply was finally reduced to five and these stations have been communicated with, and it is the Commission's expectation that within a short time every broadcasting station in the country will be filing its advertising programs, and that compliance will be 100 per cent.

"So general has been the compliance and so gratifying the cooperation which the radio broadcasting industry has given to the Federal Trade Commission in its effort to free radio advertising of false or misleading matter and place it on an even footing with printed advertising in newspapers and periodicals that the Commission anticipates it will be necessary to issue very few complaints against either advertisers or broadcasting stations."

DENTAL ASSOCIATION COMMENDS RADIO

The American Dental Association, at its annual convention held recently in St. Paul, took occasion to commend broadcasters for their efforts to curtail misleading, unethical and fraudulent dental advertising over the radio.

Official notice of this action was set forth in a letter to Philip G. Loucks, managing director of the NAB, from Harry B. Pinney, secretary of the Association. The letter in part reads:

"It is our pleasure to advise you that at the present annual meeting of the American Dental Association, held in St. Paul, in a report offered by Dr. C. Willard Camalier, as Chairman of the Dental Educational Publicity Committee of the Board of Trustees, to the House of Delegates, which was approved by that body, the Secretary was instructed to extend to you the deep appreciation of the American Dental Association for the splendid cooperation given it in its efforts to curtail misleading, unethical and fraudulent dental advertising over the radio by individual dentists."

Dr. Frank M. Casto, Cleveland, Ohio, recently elected president of the Dental Association, paid a courtesy call upon the NAB following the St. Paul meeting.

CENSORSHIP "POPPYCOCK" SAYS STEWART

In an interview over the National Broadcasting Company's network this week, Dr. Irvin Stewart, chairman of the Telegraph Division of the Federal Communications Commission, says talk of radio censorship is "poppycock".

"In the newspapers and over the radio, much ado has heen made lately ahout charges that the Commission would he instrumental in censoring news. Would you care to comment on these charges?" Martin Codel, publisher of *Broadcasting,* asked Commissioner Stewart in the radio interview. The Commissioner replied:

"I most certainly would like to comment upon them. They are ahsolutely untrue, without even the saving grace of plausibility. They show complete ignorance of the Communications Act and of the actions of the Communications Commission under that law. If there had heen the slightest grain of truth in the charges, the press associations would have been the first to register protests. But those associations know that the Commission has neither the power nor the desire to play the censor. The fact that such fanciful and unfounded charges can he made and circulated by radio and in the press is the hest possihle evidence that there is no censorship. To anyone who knows the Commission as well as you do, I am tempted to dismiss the charges, however honestly they may have heen advanced, with the only expression which I helieve they deserve—'poppycock.' The dictionary defines 'poppycock' as 'empty talk, foolish nonsense, hosh.' With that definition, the word fits the situation perfectly. As some persons may have been misled by the charges, however, I want to emphasize that the Commission does not have the power, the desire or the intention to engage in censorship in the slightest degree; and I want to add that no one, in the administration or out, has ever suggested to us that censorship in any degree was desirable. And when I make these statements, I make them as one in a position to know and who does know what he is talking about."

N. A. C. R. E. MEETS OCTOBER 8 AND 9

Octoher 8 and 9 are announced as the dates for the forthcoming annual assemhly of the National Advisory Council on Radio in Education which will he held in Chicago. Five sessions will he at the Drake Hotel and one in the Hall of Science at the Century of Progress Exposition.

"The Importance of Radio Broadcasting in a Changing Social Order" is to he the general subject of the conference. Among the speakers will he Secretary of the Interior Harold L. Ickes; Dr. John H. Finley, associate editor of *The New York Times;* Walter Damrosch; John Erskine; President Rohert M. Hutchins, University of Chicago; President Walter Dill Scott, Northwestern University; Dr. Frederick P. Keppel, President of the Carnegie Corporation of New York; President Rohert M. Sproul, University of California; President Lotus D. Coffman, University of Minnesota; Colonel Frank Knox, publisher of the Chicago Daily News; Dr. Harry Woodhurn Chase, Chancellor of New York University, and others.

Carl H. Milam, secretary of the American Library Association, is chairman of the committee on program which includes Levering Tyson, director of the N. A. C. R. E., President Hutchins and President Scott. Private versus government control of radio will he one of the live topics of discussion. Robert A. McMillan, President of the Council, will open the conference with greetings transmitted by short wave from London.

AMENDMENT TO ORDER NO. 2

The Broadcast Division, composed of Hampson Gary, Chairman, and Commissioners Brown and Sykes, today took the following action:

"It is ordered that Order No. 2, as amended, promulgated by the Commission August 28, 1934, be amended hy inserting after the word 'each' of paragraph 1.a, of said order as amended, the following: 'Provided, however, that if said licensee Corporation has of record on said date one thousand stockholders or more, such Corporation shall be required to file with the Commission a list only of such stockholders owning one percentum or more of stock in said Corporation,' so as to make said sec. 1.a, read as follows:

> "1.a A list of the stockholders of record, together with the address and the amount of stock held hy each; provided, however, that if said licensee Corporation has of record on said date one thousand stockholders or more, such Corporation shall be required to file with the Commission a list only of such stockholders owning one percentum or more of stock in said Corporation.

"It is further ordered:

> That the next to the last paragraph of said Order No. 2 as amended, be amended hy inserting following the parenthesis and hefore the word 'or' in line four as appears on the minutes of the Commission the words 'as required hy Section 1.a, hereof as amended.'"

SECURITIES ACT REGISTRATION

The following companies have filed registration statements with the Securities and Exchange Commission under the Securities Act:

The Reed Company, Inc., New York City. (2-1090, Form A-1)

Soocana Mining Company, Ltd., Ontario, Canada. (2-1091, Form A-1)

Leigh J. Sessions Corporation, New York City. (2-1092, Form G-1)

W. J. Dohbs, Dallas, Texas. (2-1093, Form A-1-G-2)

Southland Investment Company, Inc., Shreveport, La. (2-1094, Form A-1)

American Irrigation Company, Wilmington, Del. (2-1095, Form A-1)

The Theatre Corporation of South Bend Bondholders' Protective Committee, Cleveland, Ohio. (2-1096, Form D-1)

Sabine Royalty Corporation, Tyler, Texas. (2-1097, Form A-1)

Monarch Fire Insurance Company, Cleveland, Ohio. (2-1098, Form A-1)

Great Dik Gold Mines, Inc., San Francisco, Cal. (2-1099, Form A-1)

Buckeye Jack Manufacturing, Inc., Alliance, Ohio. (2-1100, Form A-1)

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

Friday, September 21, 1934

WHB—WHB Broadcasting Co., Kansas City, Mo.—Special experimental authority, **1120 kc.,** 500 watts, LS to midnight. Present assignment: **860 kc.,** 500 watts, daytime.

APPLICATIONS GRANTED

WJEJ—Hagerstown Broadcasting Co., Hagerstown, Md.—Granted
1210 special temporary authority to operate from local sunset to 11 p. m., EST, on Tuesdays, Thursdays, Saturdays, and Sundays, with power of 50 watts, for period ending October 12, 1934.

KSLM—Oregon Radio, Inc., Salem, Ore.—Granted modification of
1370 C. P. to make changes in quipment.

WIBW—Topeka Broadcasting Assn., Inc., Topeka, Kans.—Granted
580 C. P. to make changes in equipment and increase day power from 1 KW to 2½ KW. (Normally licensed **580 kc.,** 1 KW, share with KSAC.)

WSEN—The Columhus Broadcasting Corp., Columbus, Ohio.—
1210 Granted consent to voluntary assignment of license to WCOL, Inc.

WBBZ—Estate of C. L. Carrell (deceased), Ponca City, Okla.
1200 (Howard Johnson, Representative).—Granted C. P. to move transmitter locally in Ponca City, Okla.

SPECIAL AUTHORIZATIONS

WBEO—The Lake Superior Broadcasting Co., Marquette, Mich.—
1310 Granted special temporary authority to operate from 12:01 a. m. to 1:30 a. m., CST, Septemher 12, in order to broadcast election returns.

WSUI—State University of Iowa, Iowa City, Iowa.—Granted spe-
880 cial temporary authority to operate from 12 noon to 12:30 p. m., CST, Septemher 15; 10 p. m. to 12 midnight, CST, September 22; 7:45 a. m. to 8:15 a. m., CST, September 24, in order to hroadcast special activities of the University.

WSBT—The South Bend Trihune, South Bend, Ind.—Granted ex-
1230 tension of special temporary authority to operate the following specified hours: Sundays, 6 to 8 a. m. and 5 to 11 p. m.; Mondays to Fridays, inclusive, 6 to 7 a. m., 12 noon to 5 p. m., and 8 to 11 p. m.; and Saturdays, 6 to 7 a. m., 12 noon to 5

p. m., and 8 p. m. to 12 midnight, CST, for the period beginning September 11, 1934, and ending in no event later than 30 days thereafter.

WGES—Oak Leaves Broadcasting Station, Inc., Chicago, Ill.—
1360 Granted extension of special experimental authority to operate the following specified hours: Sundays, 8 a. m. to 5 p. m., 11 p. m. to 12 midnight; Mondays to Fridays, inclusive, 7 a. m. to 12 noon, 5 to 8 p. m., and 11 p. m. to 12 midnight; Saturdays, 7 a. m. to 12 noon, and 5 to 8 p. m., CST, for the period beginning September 11 and ending in no event later than 30 days thereafter.

WKBF—Indianapolis Broadcasting, Inc., Indianapolis, Ind.—
1400 Granted extension of special temporary authority to operate from 7 to 8 p. m., CST, on Mondays and Fridays for period ending in no event later than 3 a. m., EST, November 1, 1934, provided WBAA operates on frequency of **890 kc.**

SET FOR HEARING

KMLB—Liners Broadcasting Station, Inc., Monroe, La.—C. P. to
630 make changes in equipment, move station locally to location to be determined subject to Commission approval, change frequency from **1200 kc.** to **630 kc.**, and increase power from 100 to 250 watts, employing directional antenna system.

RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period:

KDYL, Salt Lake City; KFIO, Spokane; KFOX, Long Beach, Calif.; KFSG, Los Angeles; KGCA, Decorah, Iowa; KGHL, Billings, Mont.; KOIL, Council Bluffs, Iowa; KRKD, Los Angeles; KTSA, San Antonio; KRSC, Seattle; KUOA, Fayetteville, Ark.; KVOA, Tucson, Ariz.; KVOR, Colorado Springs; KWLC, Decorah, Iowa; KWSC, Pullman, Wash; KYA, San Francisco; WAVE, Louisville, Ky.; WCAL, Northfield, Minn.; WCAM, Camden, N. J.; WDBJ, Roanoke, Va.; WDOD, Chattanooga, Tenn.; WFBR, Baltimore, Md.; WHA, Madison, Wis.; WIBA, Madison, Wis.; WJAS, Pittsburgh, Pa.; WLB, Minneapolis; WNBX, Springfield, Vt.; WNBZ, Saranac Lake, N. Y.; WRC (auxiliary), Washington, D. C.; WREN, Lawrence, Kans.; WRC, Washington, D. C.

W2XEK—Knickerbocker Broadcasting Co., Inc., Portable-Mobile.—
Granted renewal of general experimental station license and modification of license (frequencies **31100, 34600, 37600, 40600 kc.**), effective September 1, 1934, to June 1, 1935.

RATIFICATIONS

WJR—WJR, The Goodwill Station, Detroit, Mich.—Granted license
750 covering C. P., **750 kc.**, 1 KW, unlimited time.

WMBH—Joplin Broadcasting Co., Joplin, Mo.—Granted special
1420 temporary authority to operate from 2 to 3 p. m., CST, on September 8, 15, 22, and 29, in order to broadcast Kiddies Review Programs.

WLIT—Lit Bros. Broadcasting System, Inc., Philadelphia, Pa.—
560 Granted special temporary authority to operate a 50-watt portable transmitter with A1 emission for period of 10 days, to conduct field survey in vicinity of Philadelphia in order to determine new location for transmitter of station WLIT.

KGGM—New Mexico Broadcasting Co., Albuquerque, N. Mex.—
1230 Granted C. P. to move station locally in Albuquerque.

WTCN—Minnesota Broadcasting Corp., Minneapolis, Minn.—
1250 Granted special temporary authority to conduct field intensity survey tests in vicinity of Minneapolis, using a 500-watt transmitter, between 12 midnight and 6 a. m., CST, for period beginning September 1 and ending no later than September 15, provided power does not exceed 100 watts and no operation occurs from 4:30 to 5:30 a. m., EST, Wednesday morning, September 5.

WBAA—Purdue University, W. Lafayette, Ind.—Granted extension
890 of special temporary authority to operate on **890 kc.**, 500 watts night, 1 KW day, specified hours, as follows: Daily except Sundays: 11 a. m. to 4 p. m.; daily except Saturdays and Sundays, 4 to 5 p. m.; Sundays, 2 to 4 p. m.; also daily 6 p. m. to LS (when sundown occurs after 6 p. m.), for period September 1 and pending withdrawal of protest field by WILL and/or until decision of Commission upon application for modification of license, but no later than November 1, 1934.

KMED—Mrs. W. J. Virgin, Medford, Ore.—Granted 30-day ex-
1310 tension of program test period, pending action on license application.

KIKI—Liners Broadcasting Station, Inc., Monroe, La.—Granted authority to operate broadcast pickup station KIKI, **2150 kc.**, 75 watts, September 4 to 14, inclusive, at Ruston, La., in connection with programs from Louisiana Tech.

MISCELLANEOUS

KGW—Oregonian Publishing Co., Portland, Ore.—Granted until
620 October 18 within which to file exceptions to Examiner's Report No. 1-2, involving application of KTAR, Phoenix, Ariz., to increase night-time power from 500 to 1,000 watts.

WCAO—The Monumental Radio Co., Baltimore, Md.—Granted
600 continuance of hearing set for September 12, 1934, to hear protest against granting of application of WICC, Bridgeport, Conn., to increase power from 500 to 1,000 watts, to provide time for engineer to make investigation and measurements.

APPLICATIONS RECEIVED

KSD—The Pulitzer Publishing Co., St. Louis, Mo.—Modification
550 of construction permit authorizing changes in equipment and increase in daytime power requesting extension of commencement and completion dates.

WHA—University of Wisconsin, Madison, Wis.—License to cover
940 construction permit for installation of new equipment and increase in daytime power.

KWK—Thomas Patrick, Inc., St. Louis, Mo.—License to cover
1350 construction permit for installation of new equipment and increase in daytime power.

NEW—Twin Cities Broadcasters, A. R. Ebrite, E. R. Ristine, and
1200 J. D. Kolesar, Centralia, Wash.—Construction permit to erect a new broadcast station to be operated on **1200 kc.**, 100 watts, unlimited time.

NEW—W. L. Gleeson, Alameda, Calif.—Construction permit to
1500 erect a new broadcast station to be operated on **1500 kc.**, 100 watts, unlimited time, amended to request change in transmitter site.

WEAN—Shepard Broadcasting Service, Inc., Providence, R. I.—
780 Modification of license to increase power to 500 watts night, 1 KW daytime, amended to request 1 KW day and night.

WLLH—Albert S. Moffat, Lexington, Mass.—Modification of license
1370 to increase hours of operation from specified to unlimited.

WJR—WJR, The Goodwill Station, Detroit, Mich.—License to
750 cover construction permit for the erection of a temporary transmitter.

WHEC—Community Broadcasting Corp., Charlottesville, Va.—
1420 Construction permit requesting installation new equipment, change frequency from **1350 kc.** to **1420 kc.**, power from 500 watts daytime to 100 watts night, 250 watts daytime, and hours of operation from daytime to unlimited, amended to request unlimited daytime and share time at night with WEED.

WBNS—WBNS, Inc., Columbus, Ohio.—Authority to determine
1430 operating power by direct measurement of antenna power.

WEED—Wm. Avera Wynne, Rocky Mount, N. C.—Modification
1420 of license to change hours of operation from daytime to unlimited, amended to request unlimited daytime and share time at night with WHEC.

WNAD—University of Oklahoma, Norman, Okla.—Modification of
1010 license to increase power from 500 watts to 1 KW.

WDBO—Orlando Broadcasting Co., Inc., Orlando, Fla.—Special
580 experimental authorization to operate with an additional power of 250 watts night, 750 watts day, amended to request modification of license to increase power from 250 watts to 1 KW.

WFBC—The Greenville News-Piedmont Co., Greenville, S. C.—
1300 Modification of license to increase power from 250 watts night, 1 KW daytime, to 1 KW day and night.

KXYZ—Harris County Broadcast Co., Houston, Tex.—License to
1440 cover special experimental authorization authorizing changes in equipment and operation with an additional power of 250 watts.

NEW—Neth L. Leachman, Dallas, Tex.—Construction permit to
1200 erect a new broadcast station to be operated on **1200 kc.**, 100 watts, unlimited time.

WGCM—Grace Jones Stewart, under trade name of Great Southern
1210 Land Co. (not inc.), Gulfport, Miss.—Voluntary assignment of license to WGCM, Incorporated.

NEW—Abilene Broadcasting Co. (Partnership, James N. Walker
1210 and J. S. Groves), Abilene, Tex.—Construction permit to erect a new broadcast station to be operated on **1210 kc.**, 100 watts, daytime.

W9XBZ—WCBD, Inc., Portable-Mobile.—License to cover construction permit for general experimental broadcast station for **31100, 34600, 37600, 40600 kc.,** 35 watts.

WIBA—The Badger Broadcasting Co., Inc., Madison, Wis.—Ex-
1280 tension of special experimental authorization to operate with additional power of 500 watts at night for the period 10-1-34 to 12-1-34.

KSTP—National Battery Broadcasting Co., St. Paul, Minn.—Ex-
1460 tension of special experimental authorization to operate with additional power of 15 KW for the period 11-1-34 to 5-1-35.

WEBR—Howell Broadcasting Co., Inc., Buffalo, N. Y.—Construc-
630 tion permit to make changes in equipment, move transmitter, change frequency from **1310 kc.** to **630 kc.,** and increase power from 100 watts night, 250 watts daytime, to 500 watts, amended to omit request for transmitter move, request **800 kc.,** 1 KW, and limited time until 1 hour after local sunset.

WEBR—Howell Broadcasting Co., Inc., Buffalo, N. Y.—Modifica-
1310 tion of license to change hours of operation from unlimited to nighttime, from 1 hour after local sunset, 100 watts power.

WJAY—Cleveland Radio Broadcasting Corp., Cleveland, Ohio.—
640 Modification of license to change frequency from **610 kc.** to **640 kc.,** power from 500 watts to 1 KW, and hours of operation from daytime to specified, amended to request 500 watts, limited time.

WHP—WHP, Inc., Harrisburg, Pa.—Modification of license to in-
1430 crease power from 500 watts night, 1 KW daytime, to 1 KW day and night.

NEW—F. L. Whitesell, Forty Fort, Pa.—Construction permit to
930 erect a new broadcast station to be operated on **930 kc.,** 500 watts, daytime, amended to change transmitter site.

WKJC—Lancaster Broadcasting Service, Inc., Lancaster, Pa.—
1500 License to cover construction permit authorizing changes in equipment and increase in daytime power.

WDBJ—Times-World Corp., Roanoke, Va.—License to cover con-
930 struction permit authorizing changes in equipment and increase in power.

KWEA—International Broadcasting Corp., Shreveport, La.—Con-
1500 struction permit to move station to a site to be determined in Baton Rouge, La., make changes in antenna, and change frequency from **1210 kc.** to **1500 kc.**

NEW—M. D. Smith, Jr., d/b as Smith Broadcasting Co., Chat-
1420 tanooga, Tenn.—Construction permit to erect a new broadcast station to be operated on **1420 kc.,** 100 watts, unlimited time.

NEW—Dr. Wm. J. Reynolds and Wm. J. Reynolds, Jr., Selma,
1500 Ala.—Construction permit to erect a new broadcast station to be operated on **1500 kc.,** 100 watts, daytime.

NEW—The Ardmoreite Publishing Co., Inc., Ardmore, Okla.—Con-
1210 struction permit to erect a new broadcast station to be operated on **1210 kc.,** 100 watts, unlimited time.

WCBD—WCBD, Inc., Zion, Ill.—Modification of license to move
1080 main studio from Zion to Waukegan, Ill.

WTRC—Truth Radio Corp., Elkhart, Ind.—Construction permit to
1310 make changes in equipment.

NEW—Hauser Radio Co., C. R. Hauser and John McGinniss,
1160 Ventura, Calif.—Construction permit to erect a new broadcast station to be operated on **1160 kc.,** 100 watts, daytime.

KRKD—Radio Broadcasters, Inc., Los Angeles, Calif.—Construc-
1120 tion permit to install new equipment and increase power from 500 watts to 1 KW night, 2½ KW daytime.

KSLM—Oregon Radio, Inc., Salem, Ore.—Modification of con-
1370 struction permit authorizing erection of a new station requesting installation of new equipment, increase in power from 100 watts to 100 watts night, 250 watts daytime, and hours of operation from daytime to unlimited and extension of commencement and completion dates, amended to omit request for increase in power and changes in equipment.

WMAL—National Broadcasting Co., Inc., Washington, D. C.—
630 Modification of license to use present licensed main transmitter as auxiliary and present licensed auxiliary as the main transmitter.

NEW—A. L. Chilton, Kilgore, Tex.—Construction permit to erect
1200 a new broadcast station to be operated on **1200 kc.,** 100 watts, unlimited time.

WAMC—Raymond C. Hammett, Anniston, Ala.—Modification of
1420 construction permit authorizing rebuilding of station requesting approval of transmitter site, installation of new equipment, and extension of commencement and completion dates.

NEW—Leo J. Blanchard, Fredericksburg, Tex.—Construction per-
1120 mit to erect a new broadcast station to be operated on **1120 kc.,** 250 watts, sharing time with WTAW.

NEW—Clinton Broadcasting Corp., Clinton, S. C.—Construction
620 permit to erect a new broadcast station to be operated on **1120 kc.,** 500 watts, daytime, amended to request **620 kc.,** transmitter site to be determined.

NEW—Maynard Dowell, San Diego, Calif.—Construction permit
1150 to erect a new broadcast station to be operated on **1150 kc.,** 100 watts, unlimited time.

APPLICATIONS RETURNED

The following applications have been received and returned to the applicants:

NEW—Patrick J. Goode, New Haven, Conn.—Construction permit
970 to erect a new broadcast station to be operated on **970 kc.,** 250 watts, limited time. (Incomplete.)

WGAR—The WGAR Broadcasting Co., Cleveland, Ohio.—Author-
1450 ity to determine operating power by direct measurement. (Obsolete form.)

NEW—Willard G. Demuth, Uhrichsville, Ohio.—Construction per-
1420 mit to erect a new broadcast station to be operated on **1420 kc.,** 100 watts, daytime. (Incomplete.)

KPAC—Port Arthur College, Port Arthur, Tex.—License to cover
1260 construction permit for move of station. (Not properly signed and equipment questionable.)

KMLB—Liner's Broadcasting Station, Inc., Monroe, La.—Modifi-
1200 cation of construction permit authorizing changes in equipment requesting extension of commencement and completion dates. (Jurat incomplete.)

KOOS—H. H. Hanseth, Inc., Marshfield, Ore.—Modification of
1370 license to change hours of operation from daytime to operation to 7 p. m., PST, with power of 100 watts, during months of September, October, November, December, January, February, and March. (Not signed.)

NEW—Cache Valley Broadcasting Service Co., Logan, Utah.—
1420 Construction permit to erect a new broadcast station to be operated on **1420 kc.** or **1370 kc.,** 100 watts, unlimited time. (Improperly executed, Rule 5, and questionable equipment and transmitter site.)

RENEWAL APPLICATIONS RECEIVED

The following applications for renewal of licenses have been received:

KFQD—Anchorage Radio Club, Inc., Anchorage, Alaska.—**780 kc.,**
780 250 watts, S. H.

KLPM—John B. Cooley, Minot, N. Dak.—**1240 kc.,** 250 watts,
1240 S. H.

RENEWAL APPLICATIONS RETURNED

The following applications for renewal of licenses have been returned to the applicants:

KFWB—Warner Bros. Broadcasting Corp., Hollywood, Calif.
950

WDAE—Tampa Times Company, Tampa, Fla.
1220

The National Association of Broadcasters

NATIONAL PRESS BUILDING ★ ★ ★ ★ ★ WASHINGTON, D. C.

PHILIP G. LOUCKS, Managing Director

NAB REPORTS

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OCTOBER 1 HEARING STATEMENTS

The October 1 hearing before the Broadcast Division of the Federal Communications Commission is admittedly the most important event in the history of American broadcasting. It has received wide publicity. Its outcome will determine whether or not 25 per cent of all facilities will be taken away from licensed stations and given to educational, religious, and similar organizations.

And yet many NAB members have not sent in their sworn statements in response to the NAB's urgent call for information.

Although the questions to be answered were sent to every member of the NAB along with NAB REPORTS, many members are now wiring that they never received them. This means simply that the questionnaire was disregarded upon its receipt.

The case for the broadcasters will be as strong or as weak as individual members make it. The NAB cannot make the case. It can only present in the best possible manner such facts as stations submit. The NAB has been busy night and day preparing for the hearings. Your cooperation is not only essential, it is absolutely imperative. It is an appalling fact that despite the notices sent out by the Commission, the statements sent out through NAB REPORTS, and the comment at the Convention, so many stations have shown a discouraging disregard of the most important hearing ever to be faced by the broadcasting industry. It is not yet too late. Send in your statements immediately.

NAB HEADQUARTERS A BEEHIVE

With the vast amount of work left over from the Cincinnati meeting stacked high and heaps of correspondence awaiting attention, NAB headquarters is a beehive of activity with the preparation for the October 1 hearing before the Federal Communications Commission. With the hearing date only several days off, all routines are being sidetracked at headquarters in order that every minute of time may be devoted to the enormous task of preparing for the hearing.

Your executive staff, barely recovered from the strenuous days of the Convention, has plunged headlong into the October case. So if you haven't received a reply to your letter it is simply because the days are much too short and your staff much too limited to handle every detail during a period when a Convention, a copyright suit, and the most important hearing in the history of the industry fall at the same time. Please be patient!

375 ATTEND CINCINNATI MEETING

Registrations at the Cincinnati meeting totaled 375, according to the official tabulation.

Proceedings of the Convention will be printed and one copy sent to each NAB member. Additional copies may be purchased at a price to be determined. Every effort will be made to have the record printed at the earliest possible date.

J. T. WARD NAMED NAB PRESIDENT

Following is a list of officers and directors of the NAB elected during the Cincinnati, Ohio, meeting:

PRESIDENT—J. T. Ward, WLAC, Nashville, Tennessee.
FIRST VICE PRESIDENT—Lambdin Kay, WSB, Atlanta, Georgia.
SECOND VICE PRESIDENT—Carl Meyers, KOIN, Portland, Oregon.
TREASURER—Isaac D. Levy, WCAU, Philadelphia, Pennsylvania.
MANAGING DIRECTOR—Philip G. Loucks, Washington, D. C.

DIRECTORS

For the Three-Year Term:

*Alfred J. McCosker, WOR, Newark, New Jersey.
*Leo Fitzpatrick, WJR, Detroit, Michigan.
*Harry C. Butcher, WJSV, Washington, D. C.
*John Gillin, WOW, Omaha, Nebraska.
*Gordon Persons, WSFA, Montgomery, Alabama.

For the Two-Year Term:

William S. Hedges, National Broadcasting Company, New York, N. Y.
H. K. Carpenter, WHK, Cleveland, Ohio.
I. R. Lounsberry, WGR-WKBW, Buffalo, New York.
Frank M. Russell, WRC, Washington, D. C.
Arthur B. Church, KMBC, Kansas City, Missouri.

For the One-Year Term:

J. Thomas Lyons, WCAO, Baltimore, Maryland.
I. Z. Buckwalter, WGAL, Lancaster, Pennsylvania.
*Stanley Hubbard, KSTP, St. Paul, Minnesota.
*Harold Wheelahan, WSMB, New Orleans, Louisiana.
*Powel Crosley, WLW, Cincinnati, Ohio.

* Denotes directors elected at Cincinnati meeting.

RESOLUTIONS ADOPTED AT NAB SESSION

Following are the resolutions adopted at the Cincinnati meeting:

Resolution No. 1

RESOLVED: That the National Association of Broadcasters hereby extends its hearty thanks to the management of the Netherland Plaza Hotel, to the members of its Convention Committee, under the chairmanship of Edwin M. Spence, and to the members of the Cincinnati Convention Committee, under the chairmanship of Powel Crosley, Jr., for their admirable services in making the Twelfth Annual Convention of the National Association of Broadcasters an outstanding success.

Resolution No. 2

RESOLVED: That the National Association of Broadcasters hereby expresses its sincere thanks to the Honorable Clarence C. Dill, the Honorable Hampson Gary, the Honorable Thad H. Brown, the Honorable Edwin L. Davis, the Honorable Sol A. Rosenblatt, and the Honorable Russell Wilson, for their notable contribution to the interest and value of the Twelfth Annual Convention of this Association.

Resolution No. 3

RESOLVED: That the National Association of Broadcasters hereby extends its sincere thanks to the Billboard for its fine cooperation in the work of the Twelfth Annual Convention.

Resolution No. 4

RESOLVED: That the National Association of Broadcasters hereby expresses its cordial appreciation of the efficient, conscientious and able service rendered during the past year by its Managing Director, Mr. Philip G. Loucks, and its full approval of the manner in which he has conducted the affairs of the Association's office.

Resolution No. 5

RESOLVED: That the National Association of Broadcasters hereby pledges its full cooperation to the Federal Trade Commission in its efforts to safeguard the people of the United States against all forms of fraudulent, untruthful or willfully misleading advertising, and urges upon every broadcaster the necessity for maintaining a standard of advertising truthfulness which will justify and strengthen the faith of the public in the dependability of radio advertising.

Resolution No. 6

RESOLVED: That the National Association of Broadcasters having heard at its Twelfth Annual Convention the reports of its officers and committee chairmen covering their activities during the past year, hereby accepts and approves such reports.

Resolution No. 7

RESOLVED: That the National Association of Broadcasters hereby recommends that the Cost Accounting Committee appointed for the past year by President McCosker be continued with the same personnel until the completion of the standard accounting system which it now has in hand, and that this system be completed, if possible, not later than November 1, 1934.

That on the completion of this standard accounting system, the Managing Director is hereby directed to have copies thereof prepared and sent to all member stations, if possible not later than December 1, 1934.

That all member stations are advised to make the necessary adjustments in their accounting methods, so far as such adjustments may be found practicable, to bring their methods into conformity with the proposed standard systems.

Resolution No. 8

RESOLVED: That the National Association of Broadcasters hereby approves and adopts an amendment to the By-Laws of said Association which was duly submitted to its members in advance of the meeting at which this resolution was adopted, as provided by said By-Laws, said Amendment being as follows:

To repeal By-Law No. 1, and substitute therefor the following:

Effective October 1, 1934, *quarterly* dues shall be payable each January 1, April 1, July 1, and October 1, on the following basis:

(a) Each member operating a station authorized to operate 40 hours or less per week shall pay a sum equal to one-third of the highest rate published by such member for one quarter hour of broadcasting time.

(b) Each member operating a station authorized to operate 41 to 60 hours per week shall pay a sum equal to one-half of the highest rate published by such member for one quarter hour of broadcast time.

(c) Each member operating a station authorized to operate 61 to 80 hours per week shall pay a sum equal to two-thirds of the highest rate published by such member for one quarter hour of broadcast time.

(d) Each member operating a station authorized to operate 81 hours or more per week shall pay a sum equal to the highest rate published by such member for one quarter hour of broadcast time.

Resolution No. 9

RESOLVED: That the National Association of Broadcasters hereby directs the chairman of its Commercial Section to appoint a committee of five to study what is pertinent information for the advertising agencies and the advertisers who are buyers of radio advertising, and to invite discussions with representatives of the American Association of Advertising Agencies and the Association of National Advertisers, with a view to setting up a bureau for the broadcasting industry, such committee to report with recommendations to the Board of Directors for action as quickly as possible.

Resolution No. 10

WHEREAS, there is a need in the broadcasting industry for further standardization of units of sale and rate card practices, be it, therefore,

RESOLVED: That the National Association of Broadcasters hereby authorizes the Commercial Committee to publish as the recommendations of said committee, the following:

1. That units of sale be standardized as follows: one hour, one-half hour, quarter hour, five minutes, one minute transcriptions, one hundred words, half minute transcriptions, fifty words or less.

2. That all quantity discounts be given within a period of one year, with discounts retroactive to the first broadcast within that year, discounts to apply within the same time classifications.

3. That operating companies or holding companies operating more than one subsidiary be permitted to buy under a group plan allowing discounts for each of the separate companies under a blanket order to apply even if more than one agency is involved in placing time.

4. That all stations put on their rate cards, in addition to the regular standard units of time, under a separate heading called—"special service features," such features as time signals, weather reports, sports events, participation programs and any other service features, with an adequate description of what the individual station allows.

5. That no station quote quantity discounts on consecutive times other than 13, 26, 52, 100, 150 and 300.

Resolution No. 12

RESOLVED: That the National Association of Broadcasters establish and maintain an agency recognition bureau at the Washington office of the Association; and that such machinery as may be necessary be set up by the Managing Director with such funds as may be deemed necessary and approved by the Board of Directors as a part of the regular annual budget; that, in general, agency recognition be extended to only those agencies which can satisfy the bureau as to credit responsibility, character or operation and radio service facilities; that said bureau be given full power to study applications of agencies for such recognition and to determine whether or not such recognition should be extended, subject to approval of the Board of Directors; and that the bureau furnish a list of those agencies which are extended recognition, together with all supplements thereof, with the strong recommendation of the Association that its members pay agency commission only to those advertising agencies extended recognition by the said bureau.

Resolution No. 13

WHEREAS, the Code Authority regulations permit the granting of special rates with the sole proviso that these rates be filed with the Code Authority, and

WHEREAS, it is the belief of the Commercial Committee that such special rates may be used as a means of making concessions contrary to the intent of stabilized rates provisions of the Code, be it, therefore,

RESOLVED: That the National Association of Broadcasters petition the Code Authority to take steps to amend and clarify or to repeal its regulations permitting this practice.

Resolution No. 14 (A)

RESOLVED: That the National Association of Broadcasters hereby reaffirms the resolution adopted at its 1933 convention referring to the elimination of announcements for electrical transcriptions produced especially for broadcasters, and directs the convention resolutions committee to draft an appropriate resolution for this purpose to be transmitted to the Federal Communications Commission.

Resolution No. 14 (B)

RESOLVED: That the National Association of Broadcasters hereby reaffirms the following resolution adopted at its 1933 annual meeting:

"WHEREAS, The use of the electrical transcription method of broadcasting programs is generally accepted by both stations and by listeners and has become an important economic factor in the operation of broadcasting stations; and

"WHEREAS, There is definite evidence of serious loss in income to stations because of existing requirements that electrical transcription programs must be announced; and

"WHEREAS, There has been sufficient progress in the manufacture of electrical transcription programs that the reproduction of the majority of such programs are now generally considered as excellent; and

"WHEREAS, The broadcasting industry would be greatly benefited by the removal of existing restrictions, therefore, be it

"RESOLVED: That the National Association of Broadcasters hereby respectfully urges the Federal Radio Commission to alter the existing regulations requiring that electrically transcribed programs made especially for broadcasting be so announced."

RESOLVED, FURTHER: That the National Association of Broadcasters hereby directs its officers to bring this resolution, without delay, to the attention of the Broadcasting Division of the Federal Communications Commission, and to take whatever steps may be necessary and practicable to secure prompt revision of the regulations in accordance with this resolution.

Resolution No. 15

WHEREAS, The National Association of Broadcasters recognizes that merchandizing of radio programs and assistance in merchandizing of the products of advertisers stimulate the use of broadcasting as an advertising medium and enhance the value of the medium, be it, therefore,

RESOLVED: That the National Association of Broadcasters hereby urges the fullest possible cooperation in merchandizing that is consistent with good business practices; but since the merchandizing requirements of advertisers are wholly lacking in uniformity the Association recommends, in fairness to all advertisers, that the cooperation of the stations be limited to such activities as do not entail direct expense, and that where any direct expense is involved such costs be borne by the advertiser.

Resolution No. 16

WHEREAS, the custom of the National Association of Broadcasters to hold its annual convention during the fall months works a hardship on its members who find it difficult to leave their duties during one of the busiest seasons of the year, and

WHEREAS, the conveniences and interests of the great majority of members would be best served by holding the annual convention during the early summer months,

THEREFORE, BE IT RESOLVED: That this Convention direct its Board of Directors to schedule the 1935 convention during June or July on such dates considered best by the directors.

Resolution No. 17

RESOLVED: That the officers and directors of the National Association of Broadcasters be instructed to support the suit of the United States Government against the American Society of Composers, Authors and Publishers, the Music Publishers Protective Association and their affiliated defendants, to the end that royalties for the public performance of music may be determined by free and open competition among copyright owners.

Resolution No. 18

RESOLVED: That the National Association of Broadcasters hereby petitions Congress to amend the existing copyright law by omitting the language which fixes the minimum innocent infringment penalty for the public performance of musical compositions at $250 and attorney's fees, leaving the Court free, in each instance, to fix such penalty as in its discretion the Court shall deem proper.

Resolution No. 19

RESOLVED: That the Board of Directors of the National Association of Broadcasters be and it is hereby directed to organize a music pool, either by a reorganization of the Radio Program Foundation or otherwise for the purpose of obtaining for radio broadcasting stations the air rights to such music as may not otherwise be available or which may be made more readily available by such a pool, and to enlist the cooperation of all radio stations and their program department in promoting the widest possible use of such music.

FLOUR PROGRAM PROPOSAL STUDIED

James W. Baldwin, executive officer of the Code Authority, this week initiated an investigation into a proposal by General Mills to purchase "run-of-the-station" time on a "plus revenue" basis for a schedule of 26 five minute daytime transcription programs. The investigation is being made under the provisions of Article VII of the broadcasters' code.

CODE AUTHORITY BULLETIN 12

The Code Authority this week sent to stations Bulletin No. 12, which reads as follows:

World Series Baseball Games

"We are informed that the Officials of the Major Baseball Leagues have elected to commercialize the broadcasting of the 1934 World Series games; and that they have sold the exclusive rights to broadcast the 1934 World Series games to the Ford Motor Company. In consequence of this, the broadcasting of any of the 1934 World Series games including either the name of the Sponsor (Ford Motor Company) or any description of the sponsor's products must be on a commercial basis consistent with the provisions contained in Article VII, Section 1, paragraphs (a) and (b) of the Code of Fair Competition for the Radio Broadcasting Industry.

Short Rate—Contracts Must Be in Agreement With Rate Card

"The Code Authority has received inquiries from stations concerning the inclusion of the following clause in certain of their contracts:

> " 'The advertiser reserves the right to cancel this program without short rate if governmental regulations or legislation require such a cancellation.'

"The question arises whether such a condition is consistent with the provisions contained in Article VII, Section 1, paragraph (a) of the Code.

"That Section provides in part as follows:

> " 'Each broadcaster and network shall forthwith publish and file with the Code Authority a schedule of all its rates regularly and currently charged to advertisers for the use of broadcasting time, together with all discounts, rebates, refunds, and commissions which shall be allowed to the users of such time or to their recognized agents, such schedule to be known as the Rate Card. * * *'

"Regular procedure for the modification of a rate card is also provided for in Article VII, Section 1, paragraph (a) of the Code, which provides in part as follows:

> " 'No Rate Card or rate charged thereunder shall be modified until fifteen days after the filing with the Code Authority of the Rate Card with the proposed modifications.'

"The inclusion of any such condition in a contract, therefore, cannot be accepted as a modification of a Rate Card.

"The Code Authority, therefore, rules that the inclusion of any such condition in a contract, if it is inconsistent with the stations' or networks' Rate Cards, is in violation of the code.

"JAMES W. BALDWIN,
"Executive Officer."

MILLIKAN TO OPEN NACRE SESSION

Dr. Robert A. Millikan, internationally famed scientist and Nobel prize winner now on his way to England, will open the fourth annual assembly of the National Advisory Council on Radio in Education talking by short wave from London, where he will be in attendance at an international physicists' meeting.

The radio conference is to be held in Chicago, October 8 and 9. Dr. Millikan is president of the Council which was organized to further the art of broadcasting in American education and which is described in a recently issued statement as "an organization independent of faction, non-partisan in its procedure, disinterested as to personnel and non-commercial in operation."

Nation-wide interest in the future of radio is expected to draw to Chicago from all parts of the country scientists; economists; government officials; librarians; broadcasters; heads of schools, colleges and learned societies; clergymen; labor representatives; music-lovers; parent-teacher officers and others intersted in education over the air.

MANAGING DIRECTOR ASKS INVESTIGATION

More than 150 letters seeking to purchase time on radio stations on terms in violation of Article VII of the broadcasters' code were turned over to the Code Authority by the Managing Director with a request that the Code Authority make an investigation to ascertain whether or not stations have accepted any of the proposals. The letters were sent to NAB headquarters by members from time to time and in the aggregate they offer every type of "chiseling" proposal imaginable.

James W. Baldwin, executive officer of the Code Authority, said he would investigate each of the proposals and take whatever action is warranted upon the conclusion of his investigations.

RECOMMENDS AGAINST TWO NEW STATIONS

Gino Amatucci applied to the Federal Communications Commission for a construction permit to erect a new broadcasting station at Latrobe, Pa., to use 1210 kilocycles with 50 watts power. Ralph L. Walker(e) in Report No. I-7 recommends that the application be denied.

The Examiner found that the applicant had failed to establish that he is financially able and technically qualified to construct and operate a broadcast station; and that there is a substantial need for additional radio service in that community.

Lawrence B. Amelung also applied to the Commission for a construction permit for a new broadcasting station to be erected at Washington, Mo., to use 1420 kilocycles, 50 watts power and unlimited time. Examiner Walker in his Report No. I-6 also recommended that this application be denied for substantially the same reasons.

ASKS COMMISSION TO REAFFIRM DECISION

Broadcasting Station KGFK, Moorhead, Minn., applied to the Federal Radio Commission to grant it permission to move to Duluth, Minn. On January 30 the Commission granted this permission but protest was made. George H. Hill(e) in Report No. I-4 recommends that the Communications Commission affirm the action of the Radio Commission.

The Examiner found that the Duluth-Superior area is far more capable of supporting high quality service from a regional and local station than is the Fargo-Moorhead area.

He also found that no particular damage will be done to Station WEBC, Superior, Wis., by reason of the operation of KGFK in Duluth and that "no service will be taken away from Moorhead which cannot be adequately rendered by Station WDAY."

RECOMMENDS DENIAL WWSW APPLICATION

Broadcasting Station WWSW, Pittsburgh, Pa., applied to the Federal Communications Commission for permission to change its frequency of 1500 kilocycles to 890 kilocycles now used by WMMN, Fairmont, W. Va. WWSW also asked to increase its power from 100 to 250 watts and from 250 watts LS to 500 watts LS. Ralph L. Walker(e) in his Report No. I-5, recommends that the application of WWSW be denied and that the application of WMMN for renewal license be granted.

The Examiner found that the need for additional coverage by Station WWSW is not such as would "warrant the granting of its application at the expense of Station WMMN."

STEIN JOINS LEGAL STAFF

A. L. Stein of Chicago has joined the legal staff of the Federal Communications Commission. He was born at Eveleth, Minn. He received his preliminary education in the high school and junior college of that city and then entered the Uinversity of Wisconsin where he majored in public utilities and finance, receiving his academic degree in 1927. Thereafter he attended the Harvard Law School, graduating in 1930. For two years he was associated with David E. Lilienthal as an editor of the "Public Utilities and Carriers Service." He has recently been engaged in the active practice and teaching of utility and corporation law in Chicago.

QUOTA SYSTEM UP TO DATE

The Federal Communications Commission on September 7, announced the following summary of broadcasting facilities assigned to zones and states:

Zone 1

State	Quota Units Due	Quota Units Assigned	Quota Units under or over	Percent under or over
Conn.	4.74	3.95	— 0.79	— 17
Del.	0.70	0.53	— 0.17	— 24
D. C.	1.43	1.60	+ 0.17	+ 12
Maine	2.35	2.21	— 0.14	— 6
Md.	4.81	5.55	+ 0.74	+ 15
Mass.	12.52	11.46	— 1.06	— 8
N. H.	1.37	0.93	— 0.44	— 32
N. J.	11.90	9.36	— 2.54	— 21
N. Y.	37.10	39.24	+ 2.14	+ 6
R. I.	2.02	1.40	— 0.62	— 31
Vt.	1.06	0.72	— 0.34	— 32
Total	80.00	76.95	— 3.05	— 4

Zone 2

State	Quota Units Due	Quota Units Assigned	Quota Units under or over	Percent under or over
Ky.	7.50	8.50	+ 1.00	+ 13
Mich.	13.89	11.02	— 2.87	— 20
Ohio	19.07	20.94	+ 1.87	+ 10
Pa.	27.63	27.41	— 0.22	— 0
Va.	6.95	10.55	+ 3.60	+ 53
W. Va.	4.96	5.83	+ 0.87	+ 18
Total	80.00	84.25	+ 4.25	+ 5

Zone 3

State	Quota Units Due	Quota Units Assigned	Quota Units under or over	Percent under or over
Ala.	7.37	7.02	— 0.35	— 5
Ark.	5.16	7.42	+ 2.26	+ 44
Fla.	4.09	9.00	+ 4.91	+120
Ga.	8.10	9.11	+ 1.01	+ 12
La.	5.85	10.50	+ 4.65	+ 79
Miss.	5.60	3.60	— 2.00	— 36
N. Car.	8.82	10.35	+ 1.53	+ 17
Okla.	6.67	8.54	+ 1.87	+ 28
S. Car.	4.83	2.80	— 2.03	— 42
Tenn.	7.29	13.70	+ 6.41	+ 88
Texas	16.22	24.29	+ 8.07	+ 50
Total	80.00	106.33	+26.33	+ 33

Zone 4

State	Quota Units Due	Quota Units Assigned	Quota Units under or over	Percent under or over
Ill.	22.52	27.98	+ 5.46	+ 24
Ind.	9.56	8.75	— 0.81	— 8
Iowa	7.30	12.93	+ 5.63	+ 77
Kans.	5.55	6.54	+ 0.99	+ 18
Minn.	7.57	9.35	+ 1.78	+ 24
Mo.	10.71	13.21	+ 2.50	+ 23
Nebr.	4.06	7.83	+ 3.77	+ 93
N. Dak.	2.01	3.30	+ 1.29	+ 64
S. Dak.	2.05	2.89	+ 0.84	+ 40
Wisc.	8.67	8.61	— 0.06	— 1
Total	80.00	101.39	+21.39	+ 27

Zone 5

State	Quota Units Due	Quota Units Assigned	Quota Units under or over	Percent under or over
Ariz.	2.93	2.68	— 0.25	— 9
Calif.	38.18	41.12	+ 2.94	+ 8
Colo.	6.96	9.59	+ 2.63	+ 38
Idaho	2.99	3.45	+ 0.46	+ 15
Mont.	3.62	4.05	+ 0.43	+ 12
Nev.	0.61	0.70	+ 0.09	+ 18
N. Mex.	2.85	4.03	+ 1.18	+ 41
Ore.	6.41	9.91	+ 3.50	+ 55
Utah	3.42	6.60	+ 3.18	+ 93
Wash.	10.51	15.76	+ 5.25	+ 50
Wyo.	1.52	0.80	— 0.72	— 47
Total	80.00	98.69	+18.69	+ 23

SECURITIES ACT REGISTRATION

The following companies have filed registration statements with the Securities & Exchange Commission under the Securities Act:

The Alliance Brick Company, Alliance, Ohio. (2-1101, Form A-1)

The O'Sullivan Rubber Company, Inc., Winchester, Va. (2-1102, Form A-1)

Warner Electric Brake Manufacturing Co., South Beloit, Ill. (2-1103, Form A-1)

Administered Fund Second, Inc., Wilmington, Del. (2-1104, Form A-1)

Quaker Producing & Refining Corporation, Tulsa, Okla. (2-1105, Form C-1)

Palmilla District Mines Consolidation, Los Angeles, Calif. (2-1106, Form A-1)

Young's Chemical Laboratories, Inc., Baltimore, Md. (2-1107, Form A-1)

Lake Fortune Gold Mines, Ltd., Montreal, Quebec. (2-1108, Form A-1)

Idaho Gold Corporation, Boise, Idaho. (2-1109, Form A-1)

Glenn L. Martin Co., Baltimore, Md. (2-1110, Form D-1)

Glenn L. Martin Company, Baltimore, Md. (2-1111, Form E-1)

General Potash Company, Denver, Colo. (2-1112, Form A-1)

General Industries Corp., Ltd., Los Angeles, Calif. (2-1113, Form G-1)

Hamilton Realty Co., New York City. (2-1114, Form E-1)

Petroleum Producers, Inc., Detroit, Mich. (2-1115, Form A-1)

Keystone-Westmoreland Corp., Greensburg, Pa. (2-1116, Form A-1)

Sigua Manganese Corp., New York City. (2-1117, Form A-1)
Chester Imes, Oklahoma City, Okla. (2-1118, Form G-1)
Annuities, Inc., Washington, D. C. (2-1119, Form A-1)
Group Securities, Inc., Jersey Cty, N. J. (2-1120, Form A-1)
Amador Mother Lode Mining Co., Reno, Nev. (2-1121, Form A-1)
Manufacturers Finance Company, Baltimore, Md. (2-1122, Form E-1)
Paradise Gold Mines Company, Denver, Colo. (2-107, Form A-1)

APPLICATIONS GRANTED

WDAG—National Radio & Broadcasting Corp., Amarillo, Tex.—
1140 Granted modification of C. P. to make changes in equipment and extend commencement date to 30 days after this date and completion date to 90 days after tbis date.

KGAR—Tucson Motor Service Co., Tucson, Ariz.—Granted license
1370 to cover C. P.; **1370 kc.,** 100 watts, 250 watts, unlimited.

WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—Granted
1180 modification of C. P. approving transmitter site at Log Cabin Ave., Macon; change in proposed equipment, and extending commencement date to 30 days after this date and completion date to 6 montbs after this date.

WORC—Alfred Frank Kleindienst, Worcester, Mass.—Granted
1280 license to cover special experimental authorization. Station licensed on **1200 kc.,** 100 watts, unlimited time; station bas special experimental authority to operate on **1280 kc.,** 500 watts, unlimited time, and changed equipment.

KMBC—Midland Broadcasting Co., Kansas City, Mo.—Granted
950 license to cover C. P.; **950 kc.,** 1 KW night, 2½ KW day, unlimited.

KWKH—International Broadcasting Corp., Sbreveport, La.—
850 Granted modification of special temporary experimental authority for approval of proposed directional antenna system.

WTAR—WTAR Radio Corp., Norfolk, Va.—Granted C. P. to
780 make changes in equipment.

WJMS—WJMS, Inc., Portable (Ironwood, Mich.).—Granted
1420 modification of C. P. to reduce power from 75 to 55 watts; change commencement date to August 10 and completion date to October 10. All other terms of existing C. P. to remain unchanged.

KIKI—Liner's Broadcasting Station, Inc., Portable (near Monroe,
2150 La.).—Granted license to cover C. P., **2150 kc.,** 75 watts.

NEW—Onondaga Radio Broadcasting Corp., Portable-Mobile (Syracuse), (2 applications).—Granted C. P. (exp. gen. exp.), **31100, 34600, 37600, 40600 kc.,** 5 watts.

W8XCF—Adirondack Broadcasting Co., Inc., Portable-Mobile (Hudson Falls).—Granted license to cover C. P., **31100, 34600, 37600, 40600 kc.,** 5 watts.

W3XAD—RCA Victor Company, Inc., Camden, N. J.—Granted modification of C. P. to increase power from 500 watts and 2 KW to 30 KW, and extend completion date to March 15, 1935.

SPECIAL AUTHORIZATIONS

KWKH—International Broadcasting Corp., Shreveport, La.—
850 Modification of special temporary experimental authority to modify conditional clause No. 2 so as to permit a field intensity survey to be made during daytime hours. Also for approval of transmitter site authorized at Mooringsport Road, near Shreveport; and to operate station witbout an approved frequency monitor for a period not to exceed 18 days.

WPRO—Cherry & Webb Broadcasting Co., Providence, R. I.—
1210 Modification of special temporary experimental authority to modify conditional clause so as to permit field intensity survey tests to be made during daytime bours for period not to exceed 30 days.

WSAJ—Grove City College, Grove City, Pa.—Special temporary
1310 authority to operate from 2 to 5 p. m., EST, October 13 and November 10, 1934, in order to broadcast football games.

WDAE—Tampa Times Co., Tampa, Fla.—Extended special tem-
1220 porary experimental authority to operate witb additional 1½ KW until local sunset for period beginning 3 a. m., EST, October 1, 1934, and ending April 1, 1935.

KGGF—Powell & Platz, Coffeyville, Kans.—Special temporary
1010 authority to operate from 8:15 to 9:15 p. m., CST, November 28; from 7:15 to 9:15 p. m., CST, November 29; from 7:15 to 9:15 p. m., CST, December 25; from 8:15 to 9:15 p. m., December 26; from 7:15 to 9:15 p. m., CST, December 27, 1934, provided WNAD remains silent.

WNAD—University of Oklahoma, Norman, Okla.—Special tem-
1010 porary autbority to operate from 2 to 4 p. m., CST, October 2, 3, 4, 9, 10, 11, 16, 17, 18, 23, 24, 25, 30, and 31, 1934, provided KGGF remains silent.

WQBC—Delta Broadcasting Co., Inc., Vicksburg, Miss.—Special
1360 temporary authority to operate with reduced power of 500 watts for period ending October 1, 1934, in order tbat certain condensers in transmitter output circuit may be repaired.

WKBV—Knox Battery & Electric Co., Richmond, Ind.—Special
1500 temporary authority to operate from 1:45 to 4:45 p. m., CST, September 29, October 13 and 27, and November 10, 1934, in order to broadcast football games.

WSUI—State University of Iowa, Iowa City, Iowa.—Special tem-
880 porary authority to operate from 10 to 11 a. m., CST, on October 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 15, 16, 17, 18, 19, 22, 23, 24, 25, 26, 29, 30, and 31, 1934, in order to broadcast program to be known as "Woman's Hour." Also to operate from 9 p. m. to 12 midnight, CST, October 26, 1934, in order to broadcast Homecoming Dance at University.

KGHL—Northwestern Auto Supply Co., Inc., Billings, Mont.—
950 Extension of special experimental authority to operate on frequency of **780 kc.** for period beginning 3 a. m., EST, October 1 and ending not later than January 1, 1935.

WIBA—The Badger Broadcasting Co., Inc., Madison, Wis.—Ex-
1280 tension of special temporary authority to operate witb additional 500 watts power during nigbttime for period beginning 3 a. m., EST, October 1, and pending action on application for special experimental authority, heretofore set for hearing, but not later than December 1, 1934.

WSAJ—Grove City College, Grove City, Pa.—Special temporary
1310 autbority to operate from 2 to 5 p. m., EST, October 6 and 20, 1934, and November 3, 1934, in order to broadcast local football and basketball games.

WNEL—Juan Piza, San Juan, P. R.—Special temporary authority
1290 to erect a temporary antenna on Tanca Street, just west of Sol Street, pending decision of temporary injunction but not later than November 1, 1934.

WGPC—American Broadcast Corp., Albany, Ga.—Special tem-
1420 porary authority to operate from local sunset (September, 5:45; October, 5 p. m.) to 7 p. m., CST, for period not exceeding 30 days.

WHBI—May Radio Broadcast Corp., Newark, N. J.—Special tem-
1250 porary authority to operate station without approved frequency monitor for period not to exceed 10 days.

KVOA—Arizona Broadcasting Co., Inc., Tucson, Ariz.—Special
1260 temporary authority to operate from 9 p. m. to 3 a. m., MST, November 6, 1934, in order to broadcast election returns.

KTSA—Southwest Broadcasting Co., San Antonio, Tex.—Extension
550 of special experimental autbority to operate on frequency of **550 kc.,** with 1 KW power nigbt, 2½ KW day, for period October 1, 1934, to April 1, 1935.

WACO—Central Texas Broadcasting Co., Inc., Waco, Tex.—Special
1420 temporary authority to operate daily from 2 to 4 p. m., CST, for period October 2 to October 9, 1934, in order to broadcast World Series.

WSMK—Stanley M. Krobn, Jr., Dayton, Ohio.—Extension of spe-
1380 cial temporary experimental authority to operate simultaneously with KQV from 6 p. m. to 12 midnight, EST, for period October 1 to November 1, 1934.

KQV—KQV Broadcasting Co., Pittsburgh, Pa.—Extension of spe-
1380 cial temporary experimental authority to operate simultaneously with WSMK from 6 p. m. to 12 midnigbt, EST, for period October 1 to November 1, 1934.

WSUI—State University of Iowa, Iowa City, Iowa.—Special tem-
880 porary authority to operate from 1 to 2 p. m., CST, October 4, in order to broadcast University Inaugural.

WNBH—Joplin Broadcasting Co., Joplin, Mo.—Special temporary
1310 autbority to operate from 2 to 3 p. m., CST, October 6, 13, 20, and 27, 1934; from 10 to 10:50 a. m., CST, October 7, 14, 21, and 28, 1934; from 2:30 to 3:30 p. m., CST, October 7, 14, 21, and 28, in order to broadcast programs of unusual merit. Also to operate from 2 to 6 p. m., CST, September 28 and October 5, 12, 19, and 26, 1934, in order to broadcast High School football games.

WKAR—Micbigan State College, E. Lansing, Mich.—Special tem-
1040 porary authority to operate from 2:45 to 5:45 p. m., CST, October 6, 13, and 20, and November 3, 1934, in order to broadcast football games played by Micbigan State College.

SET FOR HEARING

WORC—Alfred Frank Kleindienst, Worcester, Mass.—Modification of license to change frequency from **1200 kc.** to **640 kc.**; increase power from 100 to 500 watts. (Station has special experimental authority to operate on **1280 kc.**, 500 watts, unlimited.) To be heard before Commission en banc on October 22, 1934.
640

WAAB—Bay State Broadcasting Corp., Boston, Mass.—C. P. to move transmitter to site to be determined (Auburndale or Newton Lower Falls); install new equipment; change frequency from **1410 kc.** to **640 kc.**, and power from 500 watts to 5 KW. To be heard before Commission en banc on October 22, 1934.
640

WFLA-WSUN—Clearwater Chamber of Commerce and St. Petersburg Chamber of Commerce, St. Petersburg and Clearwater, Fla.—Special experimental authority to install new equipment; change frequency from **620 kc.** to **640 kc.**; increase power from 250 watts night, 500 watts LS, to 5 KW. (Station has special authority to use 1 KW night, 2½ KW LS.) To be heard before Commission en banc October 22, 1934.
640

KSO—Iowa Broadcasting Co., Des Moines, Iowa.—Special experimental authority to increase power experimentally from 250 watts night, 500 watts LS, to 500 watts night, 1 KW LS, for period ending November 1, 1934.
1320

NEW—Eastland Company, Portland, Me.—C. P., **640 kc.**, 100 watts, daytime to sunset at Cleveland, but if application of WJAY for **640 kc.** is denied, daytime to sunset at Los Angeles (facilities of WRDO.) To be heard by Commission en banc October 22, 1934.
640

NEW—Irving D. Sisson, Pittsfield, Mass.—C. P., **640 kc.**, 1 KW, daytime. To be heard before Commission en banc October 22, 1934.
640

Renewal of license applications for Station WBBR, Brooklyn, and WNBR, Memphis, Tenn., designated for hearing.

RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period:

KFSG (auxiliary), Los Angeles; KFWB, Hollywood, Calif.; KGGF, Coffeyville, Kans.; KMBC, Kansas City, Mo.; KQW, San Jose, Calif.; KROW, Oakland, Calif.; WDAE, Tampa, Fla.; WDAY, Fargo, N. Dak.; WDSU, New Orleans, La.; WEBC and auxiliary, Superior, Wis.; WFBM (auxiliary), Indianapolis, Ind.; WNAC, Boston; WBR, Dallas, Tex.; KFBB, Great Falls, Mont.; KFKU, Lawrence, Kans.; KGBZ, York, Neb.; KGCU, Mandan, N. Dak.; KLCN, Blytheville, Ark.; KLPM, Minot, N. Dak.; KMA, Shenandoah, Iowa; KOIN, Portland, Ore.; KOL, Seattle, Wash.; KRKD (auxiliary), Los Angeles; WASH, Grand Rapids, Mich.; WBRC, Birmingham, Ala.; WCAD, Canton, N. Y.; WCAE and auxiliary, Pittsburgh, Pa.; WCSH, Portland, Me.; WFBM, Indianapolis; WHN, New York; WIS, Columbia, S. C.; WISN, Milwaukee; WJDX, Jackson, Miss.; WKAQ, San Juan, P. R.; WLBW, Erie, Pa.; WNAD, Norman, Okla.; WOOD, Grand Rapids, Mich.; WTCN, Minneapolis; WTOC, Savannah, Ga.; WXYZ, Detroit; KTW, Seattle; KTAT, Fort Worth, Tex.; KFQD, Anchorage, Alaska.

WAAT—Bremer Broadcasting Corp., Jersey City, N. J.—Granted renewal of license on a temporary basis subject to such action as the Commission may take on pending application and on application for renewal pending before it.
940

KRGV—KRGV, Inc., Weslaco, Tex.—Granted renewal of license on a temporary basis subject to such decision as the Court of Appeals for D. C. may render in the case of Magnolia Petroleum Co. and Sabine Broadcasting Co., Inc., now pending before it.
1260

WTNJ—WOAX, Inc., Trenton, N. J.—Extended present license for 3 months from October 1, 1934, subject to such action as may be taken upon application for renewal pending before it.
1280

WDEL—WDEL, Inc., Wilmington, Del.—Extended present license for 3 months from October 1, 1934, subject to such action as may be taken upon application for renewal pending before it.
1120

WNEW—WODAAM Corp., Newark, N. J.—Extended present license for 3 months from October 1, 1934, subject to such action as may be taken upon application for renewal pending before it.
1250

APPLICATION DENIED

NEW—A. L. Boykin, d/b as Tallahassee Broadcasting Co., Tallahassee, Fla.—C. P. to erect new station, **1310 kc.**, 100 watts, unlimited time, heretofore designated for hearing, was denied because applicant failed to enter appearance within time allowed.
1310

AUTHORIZATION CANCELLED AND RETURNED TO CLOSED FILES

WOW—Woodmen of the World Life Ins. Assn., Omaha, Nebr.—Extension of special temporary authority to operate a 100-watt portable transmitter between 12 midnight and 6 a. m., CST, for period August 29 to September 7, granted on August 29, was reconsidered and cancelled at applicant's request, and application retired to closed files.
590

APPLICATIONS DISMISSED

WIBG—WIBG, Inc., Glenside, Pa.—Modification of license, **970 kc.**, 100 watts night, 100 watts LS, until LS at Chicago, giving 1 night hour. Application heretofore designated for hearing was dismissed at request of applicants.
970

WATR—Harold Thomas, Waterbury, Conn.—Modification of license, **1200 kc.**, 100 watts, unlimited. Application, heretofore set for hearing, was dismissed at request of applicant.
1200

ACTION ON EXAMINERS' REPORTS

WMBD—Ex. Rep. No. 549: Peoria Broadcasting Co., Peoria, Ill.—Denied modification of license to change hours of operation from sharing with WTAD to unlimited time; decreased day power from 500 watts, 1 KW LS, to 500 watts day and night; **1440 kc.** (facilities of WTAD). Commissioner Brown voted to grant WMBD full time on **1440 kc.**, and to grant license to WTAD for full time operation on **1310 kc.**
1440

WTAD—Illinois Broadcasting Corp., Quincy, Ill.—Granted renewal of license, **1440 kc.**, 500 watts, share with WMBD. Examiner R. L. Walker reversed in WMBD case, also WTAD case.
1310

KICK—Ex. Rep. No. 562: Red Oak Radio Corp., Carter Lake, Iowa.—Granted consent to voluntary assignment of license from Red Oak Radio Corp. to the Palmer School of Chiropractics; **1420 kc.**, 100 watts, unlimited time. Examiner Geo. H. Hill sustained.
1370

KICK—The Palmer School of Chiropractics, Carter Lake, Iowa.—Granted C. P. to move station from Carter Lake to Davenport; change equipment; change frequency from **1420 kc.** to **1370 kc.**; 100 watts, unlimited. Also to change call to WOC. Examiner Hill sustained.
1370

MISCELLANEOUS

W4XH—Virgil V. Evans, d/b as The Voice of South Carolina, Portable-Mobile.—Granted renewal of general experimental license, frequencies **86000-400000 kc.**; also granted authority to communicate as broadcast pickup station in the temporary service on experimental basis only under provisions of Rule 320.

KFEQ—Scroggin & Co. Bank, St. Joseph, Mo.—Granted petition to take depositions in re application for renewal of license.
680

Markham Thompson, Rotary Club, San Benito, Tex.—Denied petition to send program from San Benito to radio station XEAW, Reynosa, Mexico.

NEW—Samuel Nathaniel Morris, Stamford, Tex.—Ratified grant of authority to take depositions in re application for new 100-watt station at Stamford, Tex.

WINS—American Radio News Corp., New York; WDGY—Geo. W. Young, Minneapolis, Minn.—Ratified action in extending indefinitely hearing scheduled for September 24. This action was taken at request of applicants who sought to operate simultaneously on clear channel **1180 kc.**
1180

KGGM—New Mexico Broadcasting Co., Albuquerque.—Reconsidered grant made September 7, 1934, authorizing local move, and case designated for hearing.
1230

WDEL—WDEL, Inc., Wilmington, Del.—Ratified grant of request for continuance of 60 days of application of WOV for C. P. which was fixed for September 27, because of illness of an interested party. WOV joined in the request.
1120

WALR—WALR Broadcasting Corp., Zanesville, Ohio.—Reconsidered and granted application to move station from Zanesville to Toledo, Ohio.
1210

WOAI—Southland Industries, Inc., San Antonio, Tex.—Granted
1200 petition to continue hearing scheduled for September 26 on application of Samuel Nathaniel Morris for C. P. for new station at Stamford, Tex., to operate on **1200 kc.,** 100 watts, so that the applications of Seth L. Leachman and A. L. Chilton, now pending before the Commission, can be considered and designated for hearing. Leachman desires to erect a station at Dallas, Tex., to operate unlimited time on **1200 kc.,** with 100 watts power, and Chilton's application is for station at Kilgore, Tex., using same power and frequency.

KTAR—KTAR Broadcasting Co., Phoenix, Ariz.—Ratified grant
620 of request to continue until October 18, 1934, the time within which exceptions may be filed to Examiner's report involving the application of KTAR, Phoenix, for modification of license to increase night power from 500 watts to 1 KW. A similar extension was recently granted to KGW.

WJAY—Cleveland Radio Broadcasting Corp., Cleveland, Ohio.—
640 Application to operate on **640 kc.** to sunset at KFI, with 500 watts, redesignated for hearing.

APPLICATIONS RECEIVED

The following applications have been received:

NEW—National Broadcasting Co., Inc., Portable, Mobile.—Construction permit to erect a new general experimental station to be operated on **17310, 25700, 26000, 27100, 31100, 34600, 37600, 40600, 86000-400000 kc.,** 1 watt power.

NEW—National Broadcasting Co., Inc., Portable-Mobile.—License to cover above C. P. (B1-P-E-11).

NEW—National Broadcasting Co., Inc., Portable-Mobile.—Construction permit to erect a new general experimental broadcast station to be operated on **17310, 25700, 26000, 27100, 31100, 34600, 37600, 40600, 86000-400000 kc.,** 1 watt power.

NEW—National Broadcasting Co., Inc., Portable-Mobile.—License to cover above C. P. (B1-P-E-12).

NEW—National Broadcasting Co., Inc., Portable-Mobile.—Construction permit to erect a new general experimental broadcast station to be operated on **17310, 25700, 26000, 27100, 31100, 34600, 37600, 40600, 86000-400000 kc,** 1 watt power.

NEW—National Broadcasting Co., Inc., Portable-Mobile.—License to cover above C. P. (B1-P-E-13).

NEW—National Broadcasting Co., Inc., Portable-Mobile.—Construction permit to erect a new general experimental broadcast station to be operated on **17310, 25700, 26000, 27100, 31100, 34600, 37600, 40600, 86000-400000 kc.,** 1 watt power.

NEW—National Broadcasting Co., Inc., Portable-Mobile.—License to cover above C. P. (B1-P-E-14).

NEW—National Broadcasting Co., Inc., Portable-Mobile.—Construction permit to erect a new general experimental broadcast station to be operated on **17310, 25700, 26000, 27100, 31100, 34600, 37600, 40600, 86000-400000 kc.,** 1 watt power.

NEW—National Broadcasting Co., Inc., Portable-Mobile.—License to cover C. P. above (B1-P-E-15).

W3XAD—RCA Victor Co., Inc., Camden, N. J.—Modification of construction permit (authorizing move) requesting increase in power to 30 KW and extension of completion date.

W3XAI—RCA Victor Co., Inc., Camden, N. J.—Modification of construction permit (authorizing move) requesting extension of completion date.

WKFA—WJMS, Inc., Portable.—Modification of construction permit (authorizing broadcast pickup station, **2790 kc.,** 75 watts) requesting reduction in power to 55 watts and extension of commencement and completion dates.

WKBZ—Karl L. Ashbacker, Muskegon, Mich.—License to cover
1500 construction permit authorizing move of station from Ludington to Muskegon, Mich.

WGCM—Grace Jones Stewart, under the trade name of Great
1210 Southern Land Co. (not inc.), Gulfport, Miss.—Modification of license to move main studio from Gulfport to Mississippi City, Miss.

NEW—Robert J. Woolsey, Chicago, Ill.—Construction permit to erect a new general experimental broadcast station to be operated on **31300 kc.,** 25 watts, amended to request **31600, 35600, 38600, 41000 kc.** instead of **31300 kc.**

NEW—Eastern Broadcasting Co., Portland, Me.—Construction
1210 permit to erect a new broadcast station to be operated on **1210 kc.,** 100 watts, unlimited time.

NEW—Patrick J. Goode, New Haven, Conn.—Construction permit
970 to erect a new broadcast station to be operated on **970 kc.,** 250 watts, limited time.

NEW—O. K. Broadcasting Company, Cleveland, Ohio.—Construc-
1500 tion permit to erect a new broadcasting station to be operated on **1500 kc.,** 100 watts, unlimited time.

NEW—O. K. Broadcasting Co., Louisville, Ky.—Construction per-
1200 mit to erect a new broadcast station to be operated on **1200 kc.,** 100 watts, unlimited time.

WGAR—The WGAR Broadcasting Co., Cleveland, Ohio.—Author-
1450 ity to measure operating power by direct measurement.

NEW—Willard G. Demuth, Uhrichsville, Ohio.—Construction per-
1420 mit to erect a new broadcast station to be operated on **1420 kc.,** 100 watts, daytime.

WQDX—Stevens Luke, Thomasville, Ga.—Voluntary assignment
1210 of license to H. Wimpy.

KWTN—Greater Kampeska Corp., Watertown, S. Dak.—Modifica-
1210 tion of construction permit authorizing move of transmitter requesting extension of completion date.

NEW—J. C. Lee and E. W. Lee (Riverside Broadcasting Co.),
820 Riverside, Calif.—Construction permit to erect a new broadcast station to be operated on **820 kc.,** 100 watts, daytime, amended to request limited time and change of transmitter site.

NEW—Herbert A. Folsom, Augusta, Me.—Construction permit for
1370 new station to be operated on **1370 kc.,** 100 watts, unlimited time. Facilities of WRDO.

WXYZ—Kunsky-Trendle Broadcasting Corp., Detroit, Mich.—
1240 Authority to transmit sustaining program from station WXYZ over the stations of the Canadian Radio Commission.

NEW—Homer York, Lufkin, Tex.—Construction permit to erect
1340 new broadcasting station to be operated on **1340 kc.,** 250 watts, unlimited.

KMLB—Liner's Broadcasting Station, Inc., Monroe, La.—Modifi-
1200 cation of construction permit to make change in equipment requesting extension of completion date.

NEW—E. W. Patrick, Brookfield, Mo.—Construction permit to
1310 erect new broadcasting station to be operated on **1310 kc.,** 100 watts, unlimited.

WCRW—Clinton R. White, Chicago, Ill.—License to cover C. P.
1210 (B4-P-36) for installation of new equipment.

WCLO—WCLO Radio Corp., Janesville, Wis.—Voluntary assign-
1200 ment of license to Gazette Printing Co., Inc.

WBBM—WBBM Broadcasting Corp., Chicago, Ill.—Modification
770 of special experimental authorization, synchronous operation station KFAB from local sunset to midnight, for period not to exceed 2-1-35.

KFAB—KFAB Broadcasting Co., Lincoln, Nebr.—Modification of
770 special experimental authorization, synchronous operation station WBBM from local sunset to midnight, for period not to exceed 2-1-35.

KGIR—KGIR, Inc., Butte, Mont.—Construction permit to install
1360 new equipment and increase day power to 2½ KW.

KSEI—Radio Service Corp., Pocatello, Idaho.—Modification of
890 construction permit to move studio and transmitter, increase power, amended to omit request for increase in power.

NEW—National Broadcasting Co., Inc., Portable-Mobile.—Construction permit to erect a new general experimental broadcast station to be operated on **17310, 23100, 25700, 26000, 27100, 31100, 34600, 37600, 40600, 86000-400000, 401000 kc.** and above; 15 watts power.

NEW—National Broadcasting Co., Inc., Portable-Mobile.—License to cover construction permit above (B1-P-E-16).

NEW—General Television Corp., Boston, Mass.—Construction per-
1570 mit to erect a new experimental broadcast station to be operated on **1570 kc.,** 1 KW, and hours of operation variable.

WTBO—Associated Broadcasting Corp., Cumberland, Md.—Modi-
800 fication of license to change hours of operation from daytime to from 6 a. m. to local sunset at Dallas, Tex.

WJIM—Harold F. Gross, M. B. Keeler, and L. A. Versluis, d/b as
1310 Capitol City Broadcasting Co., Lansing, Mich.—License to cover construction permit authorizing erection of new broadcast station for operation on **1310 kc.,** 100 watts night, 250 watts daytime, unlimited time.

WEEU—Berks Broadcasting Co., Reading, Pa.—Modification of
830 license to change hours of operation from daytime to unlimited, using power of 500 watts night, 1 KW daytime.

NEW—Ohio Valley Broadcasting Corp., Parkersburg, W. Va.—Con-
1420 struction permit to erect a new broadcast station to be operated on **1420 kc.,** 100 watts, unlimited time, amended re transmitter site.

KTSA—Southwest Broadcasting Co., San Antonio, Tex.—Extension
550 of special experimental authorization to operate on **550 kc.,**

1 KW night, 2½ KW daytime, for the period 10-1-34 to 4-1-35.

KGKL—KGKL, Inc., San Angelo, Tex.—Construction permit to
1370 install new transmitter, change frequency from **1370 kc.** to **940 kc.**, and increase power to 500 watts night, 1 KW daytime, amended to request to move transmitter locally.

W10XDD—Evansville on the Air, Inc., Portable-Mobile.—License to cover construction permit for general experimental broadcast station for **31100, 34600, 37600,** and **40600 kc.,** 2.4 watts.

W9XAL—The First National Television Corp., Kansas City, Mo.—Construction permit for an additional transmitter for **42000-56000, 60000-86000 kc.,** 150 watts.

WWAE—Hammond-Calumet Broadcasting Corp., Hammond, Ind.
1010 —Construction permit to make changes in equipment, change frequency from **1200 kc.** to **1010 kc.,** increase power from 100 watts to 500 watts, and hours of operation from sharing with WFAM to unlimited.

WCFL—Chicago Federation of Labor, Chicago, Ill.—Extension
970 of special experimental authorization to operate unlimited time for period 11-1-34 to 5-1-35.

KSLM—Oregon Radio, Inc., Salem, Ore.—Modification of con-
1370 struction permit authorizing erection of new broadcast station requesting extension of completion dates.

WATR—Harold Thomas, Waterbury, Conn.—Modification of
1190 license to change hours of operation from daytime to unlimited time, 100 watts power.

WTAR—WTAR Radio Corp., Norfolk, Va.—Construction permit
780 for the installation of new equipment.

WGPC—Americus Broadcast Corp., Albany, Ga.—Modification of
1420 tion permit to erect a new broadcast station to be operated limited time, 100 watts power day and night.

NEW—E. B. Gish (Gish Radio Service), Abilene, Tex.—Construc-
1420 tion permit to erect a new broadcast station to be operated on **1420 kc.,** 100 watts, unlimited time.

KNOW—KUT Broadcasting Co., Austin, Tex.—Special experi-
1290 mental authorization to install new transmitter, change frequency from **1500 kc.** to **1290 kc.,** and increase power from 100 watts to 250 watts.

KPAC—Port Arthur College, Port Arthur, Tex.—License to cover
1250 construction permit for removal of transmitter and studio from Brownsville to Port Arthur, Texas.

Mrs. Nellie H. Morris and W. C. Morris, a partnership working as "Hotel Eagle," Eagle Pass, Tex.—Authority to transmit programs from Hotel Eagle, Eagle Pass, Tex., over XEPN, Piedras Negras, Mexico.

WTCN—Minnesota Broadcasting Corp., Minneapolis, Minn.—
1250 Modification of construction permit, as modified, for removal of transmitter from Fridley to Richfield, Minn., requesting changes in antenna system.

KTFI—Radio Broadcasting Corp., Twin Falls, Idaho.—Extension
1240 of special experimental authorization to operate with an additional power of 500 watts at night for the period 10-1-34 to 4-1-35.

KOOS—H. H. Hanseth, Inc., Marshfield, Ore.—Modification of
1370 license to change hours of operation from daytime to daytime with additional night hours up to 7:00 p. m., PST, during months sunset occurs before 7:00 p. m. PST.

NEW—National Broadcasting Co., Inc., New York, N. Y.—Construction permit to erect a new general experimental broadcast station to be operated on **25700, 26000, 27100, 31100, 31600, 34600, 35600, 37600, 38600, 40600, 41000, 86000** to **400000 kc.,** 150 watts.

WSYR-WSYU—Central New York Broadcasting Corp., Syracuse,
570 N. Y.—Construction permit to move the transmitter locally, install new equipment and increase power from 250 watts to 500 watts.

WTBO—Associated Broadcasting Corp., Cumberland, Md.—License
800 to cover construction permit authorizing installation of new equipment.

WMEX—The Northern Corporation, Chelsea, Mass.—License to
1500 cover construction permit authorizing the erection of a new broadcast station for operation on **1500 kc.,** 100 watts night 250 watts day, unlimited time.

WSGN—R. B. Broyles, trading as R. B. Broyles Furniture Co.,
1310 Birmingham, Ala.—Modification of construction permit authorizing installation of new equipment and increase in daytime power requesting an extension of completion date.

NEW—Amzi G. Berber, Montgomery, Ala.—Construction permit
1210 to erect a new broadcast station to be operated on **1210 kc.,** 100 watts, unlimited time.

KONO—Mission Broadcasting Co., San Antonio, Tex.—Modifica-
1370 tion of license to change hours of operation from specified to unlimited.

WDAG—National Radio and Broadcasting Corp., Amarillo, Tex.—
1120 Modification of license to change frequency from **1410 kc.** to **1120 kc.** and hours of operation from specified to unlimited.

APPLICATIONS RETURNED

The following applications have been returned:

WJIM—Harold F. Gross, M. B. Keeler and L. A. Versluis, d/b as
1210 Capital City Broadcasting Co., Lansing, Mich.—License to cover construction permit, for the erection of a new station. (Improperly executed and equipment questionable.)

WTCN—Minnesota Broadcasting Corp., Minneapolis, Minn.—
1250 Modification of construction permit to install equipment and increase power. Amended to request 2½ KW—LS Experimentally. (Not in proper form. Rule 5.)

NEW—Bamberger Broadcasting Service, Inc.—Construction permit to erect a new general experimental broadcast station to be operated on **41000, 44000 kc.,** 1 KW.

WISN—American Radio News Corp., Milwaukee, Wis.—Con-
1120 struction permit to move the transmitter to Wauwatosa, Wis. (request of applicant).

KFH—Radio Station KFH Co., Wichita, Kan.
1300

KGA—Louis Wasmer, Spokane, Wash.
1470

WSOC—WSOC Inc., Charlotte, N. C.—Special experimental au-
880 thorization to change frequency from **1210 kc.** to **880 kc.,** and increase night power from 100 watts to 250 watts. (Wrong form and Rule 6.)

KRE—First Congregational Church of Berkeley, Berkeley, Calif.—
1370 Construction permit to install new equipment and increase daytime power from 100 watts to 250 watts. (Incomplete and questionable equipment.)

APPLICATIONS RESUBMITTED

The following applications have been resubmitted:

WDAE—Tampa Times Company, Tampa, Fla.—**1220 kc.,** 1 KW,
1220 unlimited.

WBIG—North Carolina Broadcasting Co., Inc., Greensboro, N. C.
1440 —**1440 kc.,** 500 watts, 1 KW—LS, unlimited.

The National Association of Broadcasters

NATIONAL PRESS BUILDING ★ ★ ★ ★ ★ WASHINGTON, D. C.

PHILIP G. LOUCKS, Managing Director

NAB REPORTS

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GENERAL HEARINGS OPEN

General hearings on Section 307 (c) of the Communications Act of 1934 providing that "the Commission shall study the proposal that Congress by statute allocate fixed percentages of radio broadcasting facilities to particular types or kinds of non-profit radio facilities to particular types or kinds of non-profit radio programs or to persons identified with particular types or kinds of non-profit activities, and shall report to Congress not later than February 1, 1934, its recommendations together with the reasons for the same" opened before the Broadcast Division of the Commission on Monday.

As this issue of NAB REPORTS goes to press, witnesses who propose change in the present system of broadcasting were continuing their presentation of testimony. When this testimony is concluded a summary thereof will be prepared and published for the benefit of all NAB members.

The industry's case, under the NAB, will commence next week and will continue throughout the following week.

PORTER NAMED ASSISTANT GENERAL COUNSEL

The Federal Communications Commission, this week, announced the appointment of George B. Porter of Iowa as an Assistant General Counsel. At the same time the Commission announced that organization plans provide for approximately 595 employees and explained that: "The Secretary of the full Commission, Herbert L. Pettey, under the new plan has under his jurisdiction the following sections and personnel:

"License—36; Dockets—4; Minutes—3; Public Reference, Correspondence and Records—25; Accounting—7; Duplicating and Supplies—9; Press—3; Sub-clerical section—5; a total of 92.

"The Engineering Department, of which Dr. C. B. Jolliffe is Chief Engineer, will probably be the largest division of the Commission, providing for 174 employees, of whom 110 will be in the field force, checking broadcast stations to see that they keep on their assigned frequency, thus providing good radio reception for listeners.

"This department is composed of 5 section—Telegraph, Broadcast, Telephone, International and Field. The Telegraph section, of which E. K. Jett is Chief, is to be composed of 23 persons; the Broadcast section, Andrew D. Ring, Chief—18; Telephone, W. G. H. Finch, Chief—17; International Section, Gerald C. Gross, Chief—4; and the Field section, W. D. Terrell, Chief—112.

"The second largest unit will probably be the Accounting, Statistics and Tariff section, to be composed of 160 persons. This section will be charged with the task of analyzing and summarizing the numerous reports filed, and to be filed with the Commission in response to its orders to radio stations, telegraph and telephone companies.

"Arnold C. Hansen has just been named Chief Accountant of this section. He has been Senior Examiner of the Interstate Commerce Commission in the bureau of formal cases for a number of years, and assisted Dr. W. M. W. Splawn in the House investigation of Communications Holding Companies.

"The third largest section will likely be the Valuation Department. The tentative set-up calls for 117 employees by this unit.

"The organization of the Law Department, of which Paul D. P. Spearman is General Counsel, has not been completed, nor the Examiners' Unit. Recently the Commission named Frank Roberson, of Pelham, N. Y., and George B. Porter, of Des Moines, Iowa, Assistants to the General Counsel."

FEDERAL COMMUNICATIONS COMMISSION ACTION

Hearing Calendar

Monday, October 8, 1934

WICC—Southern Connecticut Broadcasting Corp., Bridgeport, Conn.—C. P. **600 kc.,** 500 watts, 1 KW-LS, specified hours. Present assignment: **600 kc.,** 500 watts, specified hours.

Wednesday, October 10, 1934

KTUL—Tulsa Broadcasting Co., Inc., Tulsa, Oklahoma—Modification of license, **1400 kc.,** 500 watts, unlimited time. Present assignment: **1400 kc.,** 250 watts, 500 watts, LS, unlimited time.

Thursday, October 11, 1934

KFEQ—Scroggin & Company Bank, St. Joseph, Missouri—Renewal of license, **680 kc.,** 2½ KW, daytime.

Friday, October 12, 1934

WBNX—Standard Cahill Co., Inc., New York, N. Y.—Special experimental authority, **1350 kc.,** 500 watts, shares with WAWZ. Present assignment: **1350 kc.,** 250 watts, shares with WAWZ.

WBNX—Standard Cahill Co., Inc., New York, N. Y.—License to cover C. P., **1350 kc.,** 250 watts, shares with WAWZ.

WBNX—Standard Cahill Co., Inc., New York, N. Y.—Renewal of license, **1350 kc.,** 250 watts, shares with WAWZ.

APPLICATIONS GRANTED

WHDL—Tupper Lake Broadcasting Co., Inc., Tupper Lake, N. Y.
1420 —Granted C. P. to move transmitter and studio from Tupper Lake to Olean, N. Y.

KHJ—Don Lee Broadcasting System, Los Angeles, Cal.—Granted
900 modification of C. P. to make changes in authorized equipment; extend commencement date to October 12, 1934, and completion date to 90 days thereafter.

KGB—Don Lee Broadcasting System, San Diego, Cal.—Granted
1330 modification of C. P. to make changes in authorized equipment; extend commencement date to October 12, 1934, and completion date to 90 days thereafter.

KFRC—Don Lee Broadcasting System, San Francisco, Cal.—
610 Granted modification of C. P. to make changes in authorized equipment; extend commencement date to October 12, 1934, and completion date to 90 days thereafter.

WATR—Harold Thomas, Waterbury, Conn.—Granted consent to
1190 voluntary assignment of license to WATR Company, Inc.

WDBJ—Times-World Corp., Roanoke, Va.—Granted license to
930 cover C. P.; **930 kc.,** 1 KW; unlimited time.

WGAL—WGAL, Inc., Lancaster, Pa.—Granted license to cover
1500 C. P.; **1500 kc.,** 100 watts, night, 250 watts, daytime, unlimited.

WKBF—Indianapolis Broadcasting Inc., Indianapolis, Ind.—
1400 Granted license to cover C. P.; **1400 kc.,** 500 watts night, 1 KW day; specified hours.

WTOC—Savannah Broadcasting Co., Inc., Savannah, Ga.—Granted
1260 license to cover C. P.; **1260 kc.,** 1 KW, unlimited time.

WIND—Johnson-Kennedy Radio Corp., Gary, Ind. — Granted
560 license to cover C. P.; **560 kc.**, 1 KW night, 2½ KW day, unlimited.

WCBD—WCBD, Inc., Zion, Ill.—Granted modification of license
1080 to change studio location from Zion to Waukegan, Ill.

WOWO—Main Auto Supply Co., Fort Wayne, Ind.—Granted
1160 authority to determine operating power by direct measurement.

WSGN—Broyles Furniture Co., Birmingham, Ala.—Granted modi-
1310 fication of C. P. extending completion date to Oct. 10, 1934.

KMLB—Liner's Broadcasting Station, Inc., Monroe, La.—Granted
1200 modification of C. P. extending completion date to Dec. 1, 1934.

KGW—Oregonian Publishing Co., Portland, Ore.—Granted modi-
620 fication of C. P. to make changes in equipment and extend commencement date to Oct. 15, 1934, and completion date to 180 days thereafter.

KSD—The Pulitzer Publishing Co., St. Louis, Mo.—Granted modi-
550 fication of C. P. extending commencement date to Oct. 30, 1934, and completion date to Dec. 29, 1934.

WHA—University of Wisc., Madison, Wis.—Granted license to
940 cover C. P., **940 kc.**, 2½ KW, daytime.

KALE—Kale, Inc., Portland, Ore.—Granted authority to install
1300 automatic frequency control equipment.

WTRC—Truth Radio Corp., Elkhart, Ind.—Granted C. P. to
1310 make changes in equipment.

W9XAL—The First National Television Corp., Kansas City, Mo.—Granted C. P. (experimental visual) for additional transmitter of 150 watts, and additional frequencies of **42000-56000, 60000-86000 kcs.**

NEW—National Broadcasting Company, Inc., Portable-Mobile—Granted C. P. (exp. gen. exp.); frequencies of **17310, 25700, 26000, 27100, 31100, 34600, 37600, 40600, 86000 to 400000 kc.**, 1 watt. (This covers 5 applications for C. P. and licenses for same.)

NEW—National Broadcasting Co., Inc., New York, Portable-Mobile—Granted C. P. (exp. gen. exp.); frequencies for **25700, 26000, 27100, 31100, 31600, 34600, 35600, 37600, 38600, 40600, 41000, 86000-400000 kcs.**, 150 watts.

NEW—Robert J. Woolsey, Chicago, Ill.—Granted C. P. (exp. gen. exp.); **31600, 35600, 38600** and **41000 kc.**, 25 watts.

W10XDD—Evansville on the Air, Inc., Portable-Mobile—Granted license to cover C. P. (exp. gen. exp.); **31100, 34600, 37600, 40600 kc.**, 2.4 watts.

KSO—Iowa Broadcasting Co., Des Moines, Ia.—Application for
1320 special experimental authority to increase power from 250 watts night, 500 watts LS, to 500 watts, night, 1 KW-LS, designated for hearing on Sept. 25th, was reconsidered and granted for period ending Nov. 1, 1934.

SPECIAL AUTHORIZATIONS GRANTED

WAML—Southland Radio Corp., Laurel, Miss.—Granted special
1310 experimental authority to operate from 2 to 4 p. m., CST, Oct. 3, and each day thereafter that the World Series games are played, in order to broadcast games play by play.

WHDF—Upper Michigan Broadcasting Co., Calumet, Mich.—
1370 Granted special experimental authority to operate from 12:30 to 3:30 p. m., CST, on Oct. 3, and each day thereafter during the World Series; also to operate from 12:30 to 5:30 p. m., CST, Oct. 13, 20, 27, in order to broadcast, play by play, high school football games.

WBEO—The Lake Superior Broadcasting Co., Marquette, Mich.—
1310 Granted special temporary authority to operate additional hours Oct. 3, and each day thereafter during World Series.

WLBC—Donald A. Burton, Muncie, Ind.—Granted special tempo-
1310 rary experimental authority to operate simultaneously with WTRC from 6 to 7:30 p. m., CST, Nov. 20, 23, 28 and 30, 1934, in order to broadcast athletic events of local high school.

KSD—The Pulitzer Publishing Co., St. Louis, Mo.—Granted modi-
550 fication of special experimental authority extending time in which to obtain survey data from Sept. 22 to Oct. 22, 1934.

KWEA—International Broadcasting Corp., Shreveport, La.—
1210 Granted special temporary authority to remain silent for a period ending not later than Dec. 1, 1934.

WCAD—St. Lawrence University, Canton, N. Y.—Granted special
1220 temporary authority to operate from 1:30 to 3 p. m., and from 4 to 5:20 p. m., CST, Oct. 13; from 1:30 to 3 p. m., and from 4 to 4:57 p. m., Oct. 27; from 1:30 to 3 p. m., and from 4 to 4:47 p. m., Nov. 3; from 1:30 to 3 p. m., and from 4 to 4:30 p. m., EST, Nov. 10, in order to broadcast special events from College Campus.

WLBC—Donald A. Burton, Muncie, Ind.—Granted special tempo-
1310 rary authority to operate simultaneously with WTRC from 6 to 7:30 p. m., CST, Oct. 8, 9, 10 and 11, in order to broadcast drive of local Y. M. C. A.

WSYB—Philip Weiss Music Co., Rutland, Vt.—Granted special
1500 temporary authority to operate from 11 a. m. to 12 noon, EST, Oct. 7, 14, 21 and 28, in order to broadcast services direct from St. Paul's Universalist Church of Rutland.

RENEWAL OF BROADCAST PICKUP LICENSES

The Division granted renewal of licenses for the following stations in exact conformity with existing licenses, for period Nov. 1, 1934 to Nov. 1, 1935:

KIEO, Airfan Radio Corp., Ltd., San Diego; WKEM, American Radio News Corp., Portable-Mobile; KIEL, Fisher's Blend Station, Inc., Portable; KIIS, Harris County Broadcast Co., Portable; WNEI, Indianapolis Power & Light Co., Portable; WJER, The Journal Co., Portable-Mobile; KIIH, KFAB Broadcasting Co., Portable; KIFS, KFJD, Broadcasters, Inc., Portable; WIEG, Knickerbocker Broadcasting Co., Inc., Portable; WIEF, Portable-Mobile, Miami Broadcasting Co.,; WIEO, National Broadcasting Co., Inc., Portable-Mobile; WIEW, National Broadcasting Co., Inc., Portable-Mobile; WIEX, National Broadcasting Co., Inc., Portable-Mobile; WMEF, National Broadcasting Co., Portable-Mobile; WLEZ, The Norfolk Daily News, Portable, Norfolk, Neb.; KIEF, Seattle Broadcasting Co., Portable; KIEG, Seattle Broadcasting Co., Portable; KIED, Warner Bros. Broadcasting Corp., Portable; WHER, Westinghouse E. & M. Co., Portable; WLEB, WOKO, Inc., Mobile, Albany, N. Y.; KIFI, Geo. W. Young, Portable, Minneapolis.

SET FOR HEARING

KGHL—Northwestern Auto Supply Co., Inc., Billings, Mont.—
780 Modification of license to change frequency from **950** to **780 kc.**

MISCELLANEOUS

KWTN—Greater Kampeska Radio Corp., Watertown, S. Dak.—
1210 Modification of C. P. granted, to extend completion date to Dec. 1, 1934.

NEW—Britt A. Rogers, Jr., Tupelo, Miss.—C. P. for new station
990 to operate on **990 kc.**, 500 watts, daytime, heretofore granted, was retired to closed files for want of prosecution.

NEW—Metro Broadcasting Co., A. Thorner and R. Lillie, Los
820 Angeles, Cal.—Application for C. P. for new station to operate on **820 kc.**, 100 watts at E. Los Angeles, Cal., redesignated for hearing. Requests limited time with WHAS, Louisville, including all night time hours used by that station.

NEW—Frank Lyman, Jr., Boston, Mass.—Redesignated for hear-
680 ing amended application for C. P., for new station near Boston, to use **680 kc.**, 250 watts, daytime to sunset at Raleigh, N. C.

RATIFICATIONS

(Action taken Sept. 29)

WFAS—Westchester Broadcasting Corp., White Plains, N. Y.—
1210 Granted special temporary authority to operate simultaneously with WGNY from 2:30 to 3 p. m., EST, Sept. 29, and Oct. 20 and 27, 1934, in order to broadcast football games.

WDBO—Orlando Broadcasting Co., Inc., Orlando, Fla.—Granted
750 extension of special experimental authority to operate with additional power of 750 watts at night, for period Oct. 1 to Nov. 1, 1934.

WILL—University of Ill., Urbana, Ill.—Granted special temporary
890 authority to operate simultaneously with KFNF from 2:15 to 4 p. m., CST, Sept. 29; to operate simultaneously with KUSD from 2:30 to 4 p. m., CST, Oct. 6, provided KFNF remains silent; to operate simultaneously with KFNF from 1:45 to 4 p. m., CST, Oct. 13, in order to broadcast scholastic events.

KUSD—University of South Dakota, Vermillion, S. Dak.—Granted
890 special temporary authority to operate simultaneously with WILL from 2:30 to 4:30 p. m., CST, Oct. 6, 1934, in order to broadcast scholastic events, provided KFNF remains silent.

WTAW—Agriculture and Mech. College of Texas, College Station,
1120 Tex.—Granted modification of license to change time of operation from S-KTRH to specified hours: 11:50 a. m. to 12:30 p. m., daily, except Sunday; 8:30 a. m. to 9:30 a. m., Sunday only; 8 to 9 p. m., Monday and Friday. Also granted renewal of license for term ending April 1, 1935.

KTFI—Radio Broadcasting Corp., Twin Falls, Idaho—Granted
1240 renewal of license for term ending April 1, 1935; also granted extension of temporary experimental authority to operate with additional 500 watts night for period October 1, 1934 to April 1, 1935.

KGGM—New Mexico Broadcasting Co., Albuquerque, N. Mex.—
1230 Granted temporary extension of license from Oct. 1 to Nov. 1, pending receipt and action on application for renewal.

WHBI—May Radio Broadcast Corp., Newark, N. J.—Extended
1250 present license on a temporary basis, for period Oct. 1 to Nov. 1, 1934, pending receipt of information relative to application for renewal.

WCAP—Radio Industries Broadcast Co., Asbury Park, N. J.—
1280 Extended present license for a period of 3 months from Oct. 1, on a temporary basis, subject to such action as may be taken on application for renewal pending before the Commission.

WHEF—Attala Broadcasting Corp., Kosciusko, Miss.—Extended
1500 program test period for period of 30 days pending action on license application.

APPLICATIONS RECEIVED

WMCA—Knickerbocker Broadcasting Co., New York, N. Y.—
570 Modification of license to increase power from 500 watts to 500 watts night, 1 KW daytime, amended to request 1 KW day and night.

WQDM—E. J. Regan and F. Arthur Bostwick, d/b as Regan and
1390 Bostwick, St. Albans, Vermont—Construction permit to install new equipment, move transmitter from St. Albans to St. Albans Bay, Vermont, change frequency from **1370 kc.** to **1390 kc.**, increase power from 100 watts to 1 KW and change in specified hours.

NEW—Philip J. Wiseman, Lewiston, Maine—Construction permit
1210 to erect a new broadcast station to be operated on **1210 kc.**, 100 watts, unlimited time.

WFBR—The Baltimore Radio Show, Inc., Baltimore, Maryland—
1270 Authority to determine operating power by direct measurement.

Essex Broadcasters, Inc., Detroit, Mich—Authority to transmit programs from Detroit, Michigan, over Station CKLW, Windsor, Canada.

WHAZ—Rensselaer Polytechnic Institute, Troy, N. Y.—Modifica-
1300 tion of license to increase power from 500 watts to 1 KW.

WGBI—Scranton Broadcasters, Inc., Scranton, Penna.—Construc-
880 tion permit to move transmitter to northwest of Scranton City, Ransom Township, Penna.

NEW—Valley Broadcasting Service, Inc., Chattanooga, Tenn.—
1120 Construction permit to erect a new broadcast station to be operated on **1120 kc.**, 100 watts, daytime.

WSBT—South Bend Tribune, South Bend, Ind.—Modification of license to change hours of operation from specified to sharing time with WGES.

KIDO—Frank L. Hill and C. G. Phillips, d/b as Boise Broadcast Station, Boise, Idaho—License to cover construction permit authorizing changes in equipment and increase daytime power.

NEW—E. J. Regan and F. Arthur Bostwick, d/b as Regan and Bostwick, Portable—Construction permit to erect a new general experimental broadcast station to be operated on **40600 kc.**, 5 watts.

WHEC—WHEC, Inc., Rochester, N. Y.—Modification of license
1430 to increase power from 500 watts night, 1 KW daytime to 1 KW day and night.

WOKO—WOKO, Inc., Albany, N. Y.—Modification of license to
1430 increase power from 500 watts night, 1 KW daytime to 1 KW day and night.

W10XDT—Associated Radiocasting Corp., Portable—License to cover construction permit for general experimental broadcast station for operation on **31100, 34600, 37600, 40600 kc.**, 15 watts.

WPAD—Paducah Broadcasting Co., Inc., Paducah, Ky.—Construc-
1420 tion permit to install new equipment, and increase power from 100 watts to 100 watts night, 250 watts daytime.

WGAR—The WGAR Broadcasting Co., Cleveland, Ohio—Modifi-
560 cation of license to change frequency from **1450 kc.** to **560 kc.**, and increase power from 500 watts night, 1 KW daytime to 1 KW day and night. Facilities WIND.

WTAW—Agricultural and Mechanical College of Texas, College
1120 Station, Texas—Modification of license to change hours of operation from sharing time with KTRH to specified hours.

WSOC—WSOC, Inc., Charlotte, N. Car.—Special experimental
880 authorization to change frequency from **1210 kc.** to **880 kc.** and increase power from 100 watts night, 250 watts day to 250 watts day and night.

KWK—Thomas Patrick, Inc., Kirkwood, Missouri—Authority to
1350 determine operating power by direct measurement.

NEW—KGBX, Inc., St. Joseph, Mo.—Construction permit to
1500 erect a new broadcast station to be operated on **1500 kc.**, 100 watts night, 250 watts daytime, unlimited time.

NEW—Cache Valley Broadcasting Service Co., Logan, Utah—Con-
1370 struction permit to erect a new broadcast station to be operated on **1370 kc.**, 100 watts, unlimited time.

KRKO—Lee E. Mudgett, Everett, Wash.—Construction permit to
1370 move station locally, install new equipment and increase power from 50 watts to 100 watts amended to omit request for new equipment and increase in power.

WSAN—WSAN, Inc., Allentown, Pa.—Modification of license to
1440 increase power from 250 watts to 1 KW, amended to request special experimental authoriaztion to increase power to 500 watts.

WBNS—WBNS, Inc., Columbus, Ohio—Modification of license to
1430 increase power from 500 watts night, 1 KW daytime to 1 KW day and night.

WTAR—WTAR Radio Corp., Norfolk, Va.—Modification of
1780 license to increase power from 500 watts to 1 KW daytime, 500 watts night.

NEW—Jackson D. Magenau, Erie, Pa.—Construction permit to
1370 erect a new broadcast station to be operated on **1370 kc.**, 100 watts, unlimited time.

KBTM—W. J. Beard, Jonesboro, Ark.—Modification of construc-
1200 tion permit authorizing move of station to Jonesboro, Ark., from Paragould, Ark., and installation of automatic frequency control requesting extension of completion date.

WAGF—John T. Hubbard & Julian C. Smith, d/b as Dothan
1370 Broadcasting Co., Dothan, Ala.—Special experimental authorization to operate from local sunset to 6:30 p. m., for the period ending January 1, 1935.

WHBF—Rock Island Broadcasting Co., Rock Island, Ill.—Con-
1210 struction permit to install new transmitter.

NEW—Herbert H. Fette, Meriden, Minn.—Construction permit to
1310 erect a new broadcast station to be operated on **1310 kc.**, 100 watts daytime, amended to request change in the transmitter site and changes in equipment.

NEW—Louis Wasmer, Inc., Portable—Construction permit to erect a new broadcast pickup station to be operated on **1518, 2342, 2478 kc.**, 100 watts.

KGIR—KGIR, Inc., Butte, Mont.—Construction permit to install
1360 new equipment and increase power from 1 KW to 1 KW night, 2½ KW daytime, amended to request changes in equipment.

KGY—KGY, Inc., Olympia, Wash.—Extension of special experi-
1210 mental authorization to operate additional specified hours for the period beginning December 1, 1934, and ending June 1, 1935.

NEW—Arthur Westlund & Jules Cohn, Santa Rosa, Calif.—Con-
1500 struction permit to erect a new broadcast station to be operated on **1500 kc.**, 100 watts, unlimited time.

NEW—Radio Service Inc., Redlands, Calif—Construction permit
820 to erect a new broadcast station to be operated on **820 kc.**, 100 watts daytime.

NEW—Helena Broadcasting Co., Helena, Mont.—Construction
1420 permit to erect a new broadcast station to be operated on **1420 kc.**, 100 watts, unlimited time, amended to change transmitter location and make changes in equipment.

NEW—David H. Cannon, Pasadena, Calif.—Construction permit
1480 to erect a new broadcast station to be operated on **1480 kc.**, 100 watts daytime, amended to change transmitter site.

WLBW—Broadcasters of Penna. Inc., Erie, Pa.—Voluntary assign-
1260 ment of license to The Miami Valley Broadcasting Corp.

WLBW—The Miami Valley Broadcasting Corp., Dayton, Ohio—
1260 Construction permit to move studio from Erie, Pa. to 39 S. Ludlow St., Dayton, move transmitter to Dayton, site to be determined, install new equipment.

WQDX—H. Wimpy, Thomasville, Ga.—Construction permit to
1210 move transmitter and studio locally, install new equipment and change hours of operation from unlimited to daytime.

WOW—Woodmen of the World Life Insurance Association, Omaha,
590 Nebraska—Construction permit to increase power from 1 KW to 5 KW, move transmitter from Farnam Street at Fourteenth Street, Omaha, Neb. to site to be determined, Neb., also install new equipment.

WGES—Oak Leaves Broadcasting Station, Inc., Chicago, Ill.—
1360 Modification of license to change hours of operation from specified hours to sharing WSBT.

KGER—Consolidated Broadcasting Corp., Ltd., Long Beach, Calif.
1360 —License to cover construction permit (5-P-B-3219) make changes in equipment and move transmitter locally.

WOKO—WOKO, Inc., Albany, N. Y.—Modification of license to increase power from 500 watts night, 1 KW daytime to 1 KW day and night.

WLNH—The Northern Broadcasting Co., Laconia, N. H.—License to cover construction permit authorizing erection of new broadcast station for operation on **1310 kc.**, 100 watts power, daytime.

WCNW—Arthur Faske, Brooklyn, N. Y.—Modification of construction permit authorizing changes in equipment and increase in daytime power, requesting local move of transmitter and studio and extension of completion date.

WCBA—B. Bryan Musselman, Allentown, Pa.—Modification of license to increase power from 250 watts to 1 KW, amended to request special experimental authorization to increase power to 500 watts.

APPLICATIONS RETURNED

WBNS—WBNS, Inc., Columbus, Ohio—Modification of license to
1430 increase night power from 500 watts to 1 KW. (Obsolete form and Rule 6.)

NEW—Leo J. Blanchard, Fredericksburg, Texas—Construction
1120 permit to erect a new broadcast station to be operated on **1120 kc.**, 250 watts, sharing with WTAW. (Jurat incomplate, Rule 6.)

WHBF—Rock Island Broadcasting Co., Rock Island, Ill.—Con-
1210 struction permit to make changes in frequency control. (Wrong form.)

WGES—Oak Leaves Broadcasting Station, Inc., Chicago, Ill.—
1360 Modification of license to change hours of operation from specified to sharing with WSBT. (Incomplete.)

WSBM—WSBM, Inc., New Orleans, La.
1320

WHBU—Anderson Broadcasting Corp., Anderson, Ind.
1210

KGHF—Curtis P. Ritchie, Pueblo, Colo.
1320

NEW—Geo. M. Knierim, Jr., Honey Island, Texas—Construction
630 permit to erect a new broadcast station to be operated on **630 kc.**, 6 watts power, night time, studio and transmitter located at Honey Island, Texas.

WHEC—WHEC, Inc., Rochester, N. Y.—Modification of license
1430 to increase power from 500 watts night to 1 KW. (Jurat and Rule 6.)

NEW—James M. Patterson, Jr., Stillwater, Okla.—Construction
1290 permit to erect a new broadcast station to be operated on **1290 kc.**, 100 watts daytime. (Unsatisfactory equipment and Rule 120.)

KGMB—The Honolulu Broadcasting Co., Ltd., Honolulu, Hawaii.
1320

WBIG—North Carolina Broadcasting Co., Inc., Greensboro, N. C.
1440

WKBH—WKBH, Inc., LaCrosse, Wisc.
1380

WQBC—Delta Broadcasting Co., Inc., Vicksburg, Miss.
1360

WSBT—The South Bend Tribune, South Bend, Ind.
1230

KGGM—New Mexico Broadcasting Co., Albuquerque, N. M.
1230

APPLICATIONS FOR RENEWAL LICENSES

KGGM—New Mexico Broadcasting Co., Albuquerque, N. Mex.—
1230 **1230 kc.**, 250 watts, 500 watts, LS, unlimited time.

KDLR—KDLR, Inc., Devils Lake, N. Dak.—**1210 kc.**, 100 watts,
1210 unlimited time.

KFOR—Cornbelt Broadcasting Corp., Lincoln, Nebr.—**1210 kc.**,
1210 100 watts, 250 watts, LS, unlimited time.

KFXM—J. C. Lee and E. W. Lee, (Lee Brothers Broadcasting Co.)
1210 San Bernardino, Calif.—**1210 kc.**, 100 watts, S-KPPC.

KGDE—Chas. L. Jaren, Fergus Falls, Minn.—**1200 kc.**, 100 watts,
1200 250 watts, LS, unlimited time.

KIT—Carl E. Haymond, Yakima, Wash.—**1310 kc.**, 100 watts,
1310 unlimited time.

KPPC—Pasadena Presbyterian Church, Pasadena, Calif.—**920 kc.**,
920 1 KW, 2½ KW, LS, unlimited time.

WHIS—Daily Telegraph Printing Co., Bluefield, W. Va.—**1410 kc.**,
1410 250 watts, S-WRBX.

WAML—Southland Radio Corporation, Laurel, Miss.—**1310 kc.**,
1310 100 watts, specified hours.

WBIG—North Carolina Broadcasting Co., Inc., Greensboro, N. C.
1440 —**1440 kc.**, 500 watts night, 1 KW-LS, unlimited time.

WBOW—Bank of Wabash, Inc., Terre Haute, Ind.—**1310 kc.**,
1310 100 watts, unlimited time.

WEXL—Royal Oak Broadcasting Co., Royal Oak, Mich.—**1310**
1310 **kc.**, 50 watts, unlimited time.

WFAM—The South Bend Tribune, South Bend, Indiana—**1200**
1200 **kc.**, 100 watts, S-WWAE.

WFAS—Westchester Broadcasting Corp., White Plains, New York
1210 —**1210 kc.**, 100 watts, S-WGBB, WBRB, WGNY.

WFBG—The Gable Broadcasting Company, Altoona, Penna.—
1310 **1310 kc.**, 100 watts, S-WJAC.

WGES—Oak Leaves Broadcasting Station, Inc., Chicago, Ill.—
1360 **1360 kc.**, 500 watts, 1KW-LS, Sunday, specified hours.

WGH—Hampton Roads Broadcasting Corp., Newport News, Va.
1310 —**1310 kc.**, 100 watts, unlimited time.

WHAT—Independence Broadcasting Company, Inc., Philadelphia,
1310 Penna.—**1310 kc.**, 100 watts, S-WTEL.

WHBU—Anderson Broadcasting Corp., Anderson, Ind.—**1210 kc.**,
1210 100 watts, unlimited time.

WIBU—William C. Forrest, Poynette, Wis.—**1210 kc.**, 100 watts,
1210 unlimited time.

WJAC—WJAC, Inc., Johnstown, Penna.—**1310 kc.**, 100 watts,
1310 S-WFBG.

WMPC—The First Methodist Protestant Church of Lapeer, Lapeer,
1200 Michigan—**1200 kc.**, 100 watts, specified hours.

WNBH—E. Anthony & Sons, Inc., New Bedford, Mass.—**1310 kc.**,
1310 100 watts night, 250 watts, LS, unlimited time.

WRAW—Reading Broadcasting Co., Reading, Penna.—**1310 kc.**,
1310 100 watts, unlimited time.

WTEL—Foulkrod Radio Engineering Co., Philadelphia, Pa.—**1310**
1310 **kc.**, 100 watts, S-WHAT, WCAM.

WTJS—The Sun Publishing Co., Inc., Jackson, Tenn.—**1310 kc.**,
1310 100 watts night, 250 watts, LS, unlimited time.

WWAE—Hammond-Calumet Broadcasting Corp., Hammond, Ind.
1200 —**1200 kc.**, 100 watts, S-WFAM.

KFH—The Radio Station KFH, Co., Wichita, Kansas—**1300 kc.**,
1300 1 KW, unlimited time.

KFVS—Oscar C. Hirsch (Trading as Hirsch Battery & Radio Co.),
1210 Cape Girardeau, Missouri—**1210 kc.**, 100 watts, specified hours.

KFXR—Exchange Avenue Baptist Church of Oklahoma City,
1310 Oklahoma, Oklahoma City, Okla.—**1310 kc.**, 100 watts night, 250 watts, LS, unlimited time.

KGA—Louis Wasmer, Spokane, Washington—**1470 kc.**, 5 KW,
1470 unlimited time.

KGBX—KGBX, Inc., Springfield, Missouri—**1310 kc.**, 100 watts,
1310 specified hours.

KGCX—E. E. Krebsbach, Wolf Point, Montana—**1310 kc.**, 100
1310 watts night, 250 watts, LS, specified hours.

KRMD—Radio Station KRMD, Inc., Shreveport, La.—**1310 kc.**,
1310 100 watts, unlimited time.

KWG—Portable Wireless Telephone Co., Inc., Stockton, Calif.—
1200 **1200 kc.**, 100 watts, unlimited time.

KGHF—Curtis P. Ritchie, Pueblo, Colo.—**1320 kc.**, 250 watts,
1320 500 watts, LS, C. P., 500 watts, unlimited time.

WSBM—WSBM, Inc., New Orleans, La.—**1320 kc.**, 500 watts,
1320 unlimited time.

WROL—Stuart Broadcasting Corp., Knoxville, Tenn.—**1310 kc.**,
1310 100 watts, unlimited time.

WSAJ—Grove City College, Grove City, Pa.—**1310 kc.**, 100 watts,
1310 specified hours.

WSOC—WSOC, Inc., Charlotte, N. C.—**1210 kc.**, 100 watts, 250
1210 watts, LS, unlimited time.

WTRC—Truth Radio Corp., Elkhart, Ind.—**1310 kc.**, 50 watts,
1310 100 watts, LS, simultaneously daytime, S-WLBC night.

The National Association of Broadcasters

NATIONAL PRESS BUILDING ★ ★ ★ ★ ★ WASHINGTON, D. C.

PHILIP G. LOUCKS, Managing Director

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BROADCAST ADVERTISING IN AUGUST

Developments of the Month

BROADCAST advertising trends continued to be confusing in the main, though some evidence of underlying firmness is discernible. Revenues for the decline this year was slightly greater than in 1933 when August revenues were but 5.9% lower than those of the previous month. National spot volume again showed the strongest seasonal variation, being 21.7% lower than in the previous month. Local volume was approximately equal to July, while regional network volume experienced a gain of 31.2%.

Comparison with 1933

August broadcasting was 6.4% above that of the same month of 1933. National spot volume was 17.9% ahead of last year's level, national spot business 9.3% greater, and regional network volume approximately equal to last year's figure. Local broadcast advertising alone was lower than last year, experiencing a decline of 13.9% as compared with August, 1933. It is encouraging to note, however, that the comparative showing of August is better than that of July when local advertising was 20.4% below the level of the previous year.

Comparison with Other Media

The usual seasonal declines were experienced during the month in the magazine and farm periodical fields. National magazines were 12.3% lower in advertising volume than in July, though 6.9% above August last year. National farm paper revenues were 15.2% lower than July, 22.7% less than in August 1933. Drought conditions undoubtedly influenced this trend. Newspaper advertising followed its usual seasonal trend with an increase of 2.4%. Volume, however, was 6.5% below the same month of the previous year.

Other Trends of the Month

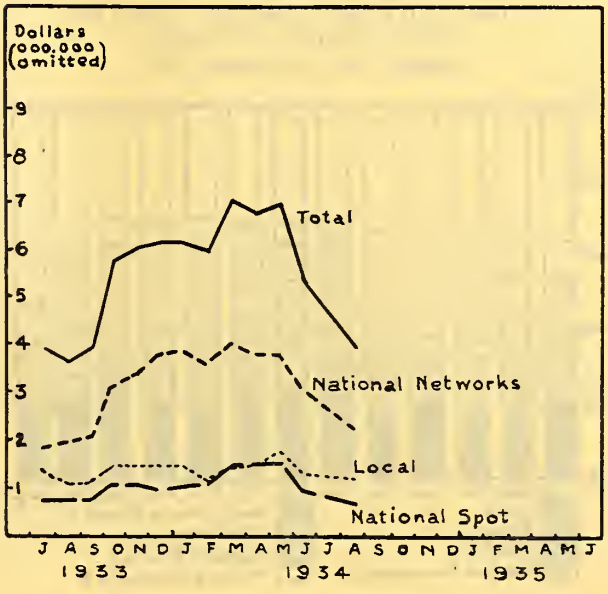
Stations of 5 kilowatts and more in power were the severest losers during the month, revenues of this class declining 21.6% as compared to July, and reaching a level materially below 1933. Revenues of the 100-watt class rose 6.4% as compared with the previous month. Broadcast advertising volume over the 250-1,000-watt class was 21.5% greater than during the same month of last year, and 34.0% greater in the same case of 100-watt stations.

It should be noted that the "2,500-5,000-watt" and the "over 5,000-watt" classes have been combined in this report. This has been done because of the very few stations in the former group.

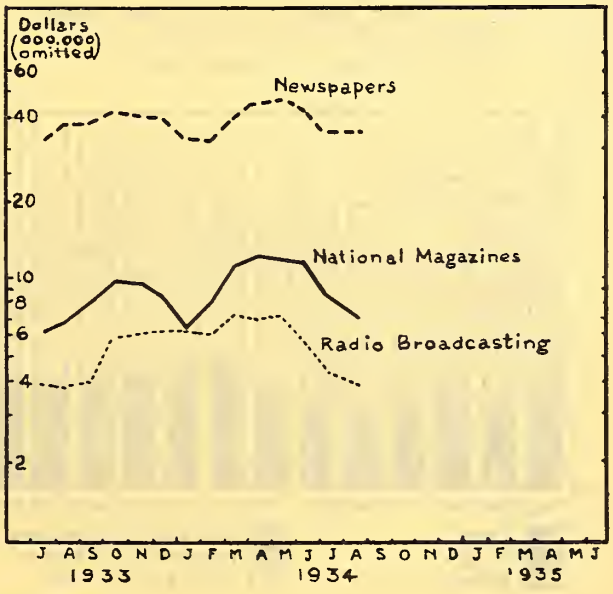
Declines in revenue as compared with July were greatest in the Southern and Mountain and Pacific areas. The New England-Middle Atlantic district showed a gain of 37.8% over August 1933, Middle Western volume was about equal to last year, Pacific Coast volume slightly less and Southern volume off materially.

National spot electrical transcription volume was 12% under last year. The live talent trend in this field continues, volume of this type of business being 46.6% above last year. Both local and national post announcement business was lower than in August 1933.

RADIO BROADCAST ADVERTISING VOLUME
July, 1933, to June, 1935

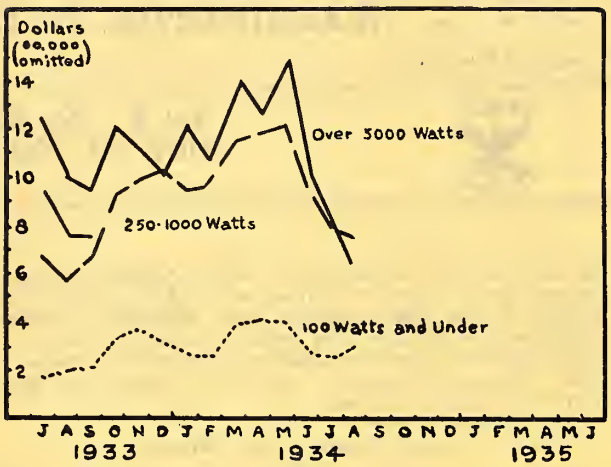


ADVERTISING VOLUME MAJOR MEDIA
July, 1933, to June, 1935



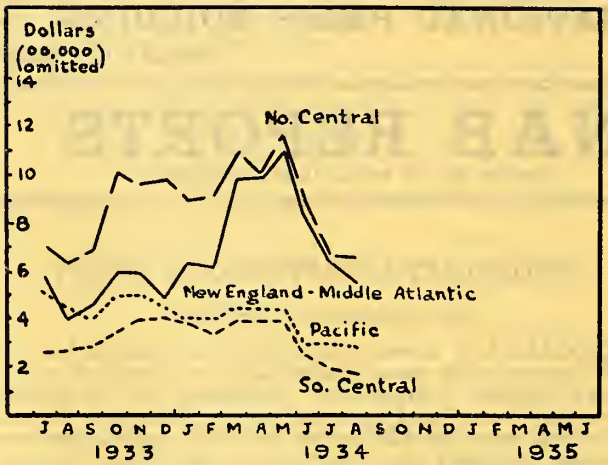
NON-NETWORK ADVERTISING BY STATION POWER

July, 1933, to June, 1935



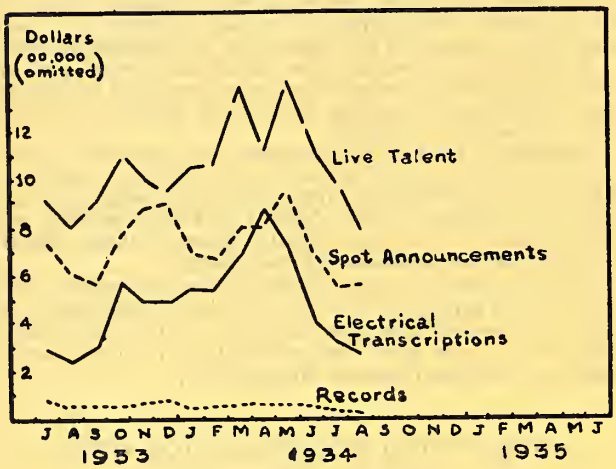
NON-NETWORK ADVERTISING BY GEOGRAPHICAL DISTRICTS

July, 1933, to June, 1935



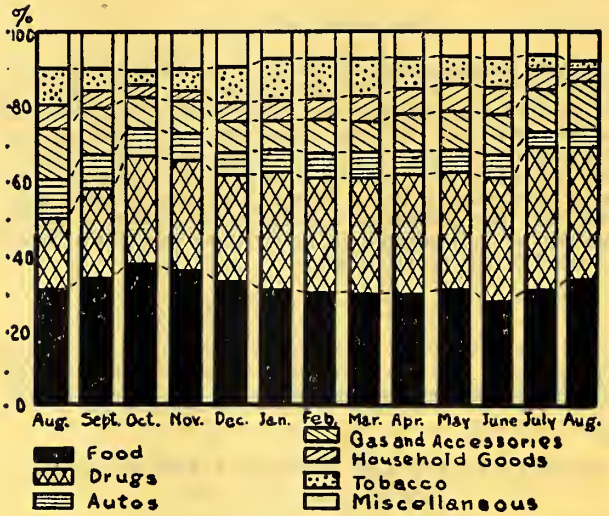
NON-NETWORK BROADCAST ADVERTISING BY TYPE OF RENDITION

July, 1933, to June, 1935



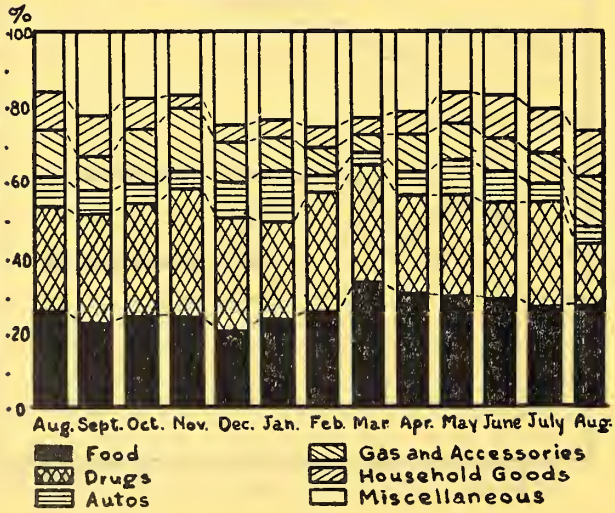
NATIONAL NETWORK ADVERTISING BY TYPE OF SPONSORING BUSINESS

August, 1933, to August, 1934



NATIONAL SPOT ADVERTISING BY TYPE OF SPONSORING BUSINESS

August, 1933, to August, 1934



LOCAL ADVERTISING BY TYPE OF SPONSORING BUSINESS

August, 1933, to August, 1934

General seasonal declines occurred in most fields during the month. The drop in business was particularly heavy in the amusement field. The usual August upswing in the household furnishing field also manifested itself.

Principal gains as compared with August of the previous year include the following: Gasoline and automobile accessories, 22.5%, due mainly to national spot increase; clothing, 28.0%, with marked rises in national network and national spot volume; drugs and pharmaceuticals, 151%, with marked gains in all fields except local; cosmetics, 58% due to network and local increases; food, 30.1%, the rises occurring in the network and spot fields; miscellaneous, due mainly to political advertising.

The main decreases as compared with 1933 have taken place in the following fields: Amusements, 60.0% less than August of the preceding year; automobiles, 43.0% less due to national spot decreases; confections, 38% less, in spite of a 30% national network gain; soap, 20%; financial 45%, due to network and local decreases; tobacco, 67%, in spite of a spot rise; and retail advertising.

A summary of trends is as follows:

1a. Amusements. 20% decline since July. 60% less than August last year. Local decline reason.

1. Automobiles. 19% less than July and 43% below last year. Networks 8% lower than 1933; national spot 50% lower; local volume about same.

2. Accessories, gasoline and oil. Equal July. Slight increase spot, decrease local. National spot 22.5% above 1933, rest approximately equal last year.

3. Clothing 7.0% less July. Spot dropped 20%, rest declined only slightly.

4. Drugs and pharmaceuticals. 31.6% under July level. Networks off 19%, spot 60%, local 36%. Marked increase 1933, 151% networks, 400% regional networks, and 40% rise national spot. Local volume dropped 40%.

5. 14.5% under July, in spite slightly higher local volume. Materially above 1933. General increase 58%, with networks more than doubled, and local practically same. National spot slightly lower.

6. Foodstuffs. 6.0% under July, in spite of 3% gain in networks volume. Networks above 38.4% above last August, national spot 32.0% and local 16.6% less than last year.

7. Beverages. Slight decline as compared July. Networks 9.0% above 1933 level for month, national spot 27.0% and local 25.1% higher.

8. Confectionery. 4% decrease during month, due to network drop. Local up 40%. Confectionery volume 38.0% under August 1933 in spite of marked increase network volume.

9. Household equipment and appliances. 3% gain during month due to 17.5% rise in local advertising. Current volume 4% under August last year. Network decline reason. National spot up 25.0% and local 31.8%, as against last year.

10. Soap and kitchen supplies. 21% decrease, general in all fields. Household supply advertising 17.3% above August 1933. Gains general in all fields.

11. Insurance and financial. Decrease of 10.8% during month, due to local decline. Financial volume 45.6% under August last year. Main declines in local and network fields.

12. Radio. Increase 34.1% over July, due to rise in national spot volume. Radio volume 16.0% higher than last year. Main gains national spot and local advertising.

13. Retail establishments. General retail advertising 2.2% under July. Department and general store advertising off 16.2%. Main declines include 20% automobile dealers, 9% clothing, 11.4% food, and lesser ones in hardware, and radio. Increases include 24% in gasoline and accessories, 14.0% in household equipment and 70% in furniture retail advertising as compared July. Retail advertising off approximately 20% from August 1933. See retail advertising table.

14. Tobacco products. Marked decline principally network. Some rise national spot tobacco volume during the month. General volume one-third as much as last August.

15. Miscellaneous. Slight increase. Political advertising and some increase in general sponsorship the reason. Volume slightly ahead last year.

BUSINESS CONDITIONS

During the past week some of the recession of September has been counteracted. Conditions still remain spotty, with considerable uncertainty. The New York *Times* Index on September 22nd stood at 72.3 as compared with 76.5 at the end of August and 77.7 one year ago.

The passing of the textile strike, however, should be encouraging. In spite of being materially lower than last year, automobile production has declined less than the usual seasonal amount during the past several weeks. Steel has shown some slight gains, while car loadings have remained fairly steady. Prices have held fairly steady, following uncertainty during the past several months. New York department store sales during the first half of September were 7.2% above the same period last year. The index of department store sales for the first seven months of this year was 16.3% above 1933, chain variety store sales 9% greater and mail order volume approximately 36% greater. The gains are much smaller however when compared to 1932.

TOTAL BROADCAST ADVERTISING VOLUME

	1934 Gross Receipts		
Class of Business	*July*	*August*	*Cumulative Jan.-Aug.*
National networks	$2,494,710	$2,248,870	$26,742,446
Regional networks	32,939	42,694	392,884
National spot business	767,750	598,122	8,976,736
Local broadcast advertising	1,080,064	1,039,070	10,413,633
Total	$4,375,463	$3,928,756	$46,525,699

ADVERTISING VOLUME BY MAJOR MEDIA

	1934 Gross Receipts		
Advertising Medium	*July*	*August*	*Cumulative Jan.-Aug.*
Radio broadcasting	$4,375,463	$3,928,756	$46,525,699
National magazines [1]	8,147,057	7,141,669	76,698,531
National farm papers	340,234	288,526	3,499,687
Newspapers [2]	34,462,900	35,321,000	312,319,150
Total	$47,325,654	$46,679,951	$439,043,067

[1] National magazine totals are for 108 periodicals, prepared by Publishers' Information Bureau, Inc., from which source national farm papers and networks are also taken.

[2] Estimated.

NON-NETWORK BROADCAST ADVERTISING BY POWER OF STATION

	1934 Gross Receipts		
Power of Station	*July*	*August*	*Cumulative Jan.-Aug.*
Over 1,000 watts [1]	$797,824	$625,060	$8,827,532
250-1,000 watts	791,700	737,332	7,955,961
100 watts	258,290	274,800	2,606,876
Total	$1,847,814	$1,637,192	$19,390,369

[1] This includes high-powered regional and clear channel stations ranging from 5 kilowatts upwards in power.

NON-NETWORK BROADCAST ADVERTISING BY GEOGRAPHICAL DISTRICTS

	1934 Gross Receipts		
Geographical Districts	*July*	*August*	*Cumulative Jan.-Aug.*
New England-Middle Atlantic Area	$658,384	$565,678	$6,474,563
South Atlantic-South Central Area	212,120	162,600	2,569,843
North Central Area	672,596	637,404	7,361,911
Pacific and Mountain Area	304,714	271,510	2,984,052
Total	$1,847,814	$1,637,192	$19,390,369

NON-NETWORK BROADCAST ADVERTISING BY TYPE OF RENDITION

Type of Rendition	1934 Gross Receipts: National Spot July	National Spot Aug.	Local July	Local Aug.	Total July	Total Aug.	Cumulative Jan.-Aug.
Electrical transcription	$224,745	$176,810	$95,995	$77,405	$320,740	$254,215	$4,343,074
Live talent programs	397,450	245,855	559,964	539,265	957,414	785,120	8,982,737
Records	3,188	1,067	29,395	27,250	32,583	28,317	322,367
Spot announcements	142,367	174,390	384,710	395,150	537,077	569,540	5,742,191
Total	$767,750	$598,122	$1,080,064	$1,039,070	$1,847,814	$1,637,192	$19,390,369

RADIO BROADCAST ADVERTISING BY TYPE OF SPONSORING BUSINESS

(August, 1934)

Type of Sponsoring Business	Gross Receipts: National Networks	Regional Networks	National Spot	Local	Total
1a. Amusements	—	—	$3,963	$46,760	$50,723
1–2. Automobiles and Accessories:					
(1) Automobiles	$92,341	—	20,908	46,844	160,093
(2) Accessories, gas and oils	275,555	11,187	80,135	58,657	425,534
3. Clothing and apparel	25,246	1,000	20,400	108,947	155,593
4–5. Drugs and toilet goods:					
(4) Drugs and pharmaceuticals	216,277	1,615	63,894	44,426	326,212
(5) Toilet goods	600,693	1,520	31,350	14,962	648,525
6–8. Food products:					
(6) Foodstuffs	504,110	6,695	129,676	146,800	787,281
(7) Beverages	238,640	4,390	32,500	57,780	333,310
(8) Confections	16,061	200	4,300	2,940	23,501
9–10. Household goods:					
(9) Household equipment and furnishings	5,850	—	20,900	94,768	121,518
(10) Soap and kitchen supplies	112,157	—	50,890	6,658	169,705
11. Insurance and financial	36,014	2,140	9,720	26,445	74,319
12. Radios	39,162	—	16,540	3,900	59,602
13. Retail establishments	—	—	3,020	69,625	72,645
14. Tobacco products	38,168	—	21,310	2,418	61,896
15. Miscellaneous	48,596	13,947	88,616	307,140	458,299
Total	$2,248,870	$42,694	$598,122	$1,039,070	$3,928,756

RETAIL ADVERTISING OVER INDIVIDUAL STATIONS

(August, 1934)

Type of Sponsoring Business	1934 Gross Receipts: July	August
Automobiles and accessories:		
Automobile agencies and used car dealers	$41,600	$33,750
Gasoline stations, garages, etc.	25,740	31,467
Clothing and apparel shops	117,680	109,420
Drugs and toilet goods:		
Drug stores	7,365	7,157
Beauty parlors	3,570	3,180
Food products:		
Grocery stores, meat markets, etc.	34,600	30,450
Restaurants and eating places [1]	20,420	14,113
Beverage retailers	1,343	716
Confectionery stores, etc.	1,785	1,487
Household goods:		
Household equipment retailers [2]	25,160	29,800
Furniture stores	32,463	54,231
Hardware stores	9,640	7,363
Radio retailers	8,575	5,462
Department and general stores	86,450	72,645
Tobacco shops	540	2,075
Miscellaneous	35,720	36,700
Total	$449,081	$439,716

[1] Exclusive of hotels.

[2] Such as electric refrigerators, oil burners, sweepers, furnaces, and the like.

The National Association of Broadcasters

NATIONAL PRESS BUILDING ★ ★ ★ ★ ★ WASHINGTON, D. C.

PHILIP G. LOUCKS, Managing Director

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A NOTE AND AN APOLOGY

After nearly four years of regular service, the weekly reports of the NAB were interrupted this month due to the pressure of work at the headquarters office in connection with the October 1 hearings before the Federal Communications Commission.

Some idea of the size of the task which was presented by the hearings can be gathered from the fact that the testimony and exhibits, when the record is completed, will fill more than 20,000 legal size pages. All of the efforts of the headquarters office were concentrated on the hearings with the result that office routines were necessarily neglected. The staff was handicapped also by the reason of the fact that J. C. McNary, technical director and assistant to the Managing Director, was representing the broadcasting industry at the International Technical Consulting Conference at Lisbon, Portugal, during this busy time.

The NAB regrets the interruption of a service which we have always tried to maintain, and have maintained, on a regular schedule for so long a time. We regret the interruption, we apologize and we promise it will not happen again—unless another job of equal importance comes our way.

RECESS IN GENERAL HEARINGS

General hearings before the Federal Communications Commission pursuant to the requirements of Section 307(c) of the Communications Act of 1934 to determine whether the Commission shall recommend to Congress that it, by statute, allocate fixed percentage of broadcast facilities for particular types of non-profit programs and to non-profit organizations, which commenced on October 1 were interrupted on October 20 and will be continued on November 7. Beginning with November 7 the Commission will hear rebuttal testimony of the proponents of change and certain witnesses for Government departments which have used broadcasting facilities. It is expected that the hearings will be finally closed before the end of that week.

When the hearings are concluded NAB Reports will carry a brief summary of the hearings.

COMMISSION TO SURVEY ALLOCATION

The Broadcast Division of the Federal Communications Commission on October 30 announced that it will make a thorough survey of the broadcast structure both as to the results of allocation on clear channels and on channels to which more than one station is assigned to operate simultaneously at night.

The announcement was made in connection with the petition filed by a number of clear channel stations requesting a survey. The text of the Commission's announcement follows:

"The licenses of certain clear channel stations petitioned the Commission for an investigation of the service rendered on clear channels and a restatement of the regulations regarding them. The Broadcast Division has decided to conduct a thorough survey of the broadcast structure both as to results of allocation on clear channels and on channels to which more than one station is assigned to operate simultaneously at night. This survey will be made for the purpose of determining the service available to the people of the United States and the type of station that the listeners in rural areas are dependent upon for their service. The degree of interference or impairment of service caused by duplication of certain high power stations is to be investigated, as well as the possibility of providing additional high power stations without reducing the service to the listening public from existing stations.

"The cooperation of the licensees of all broadcast stations is requested in making this survey. All licensees volunteering their field intensity equipment and personnel to make the observations and measurements should notify the Commission of the facilities which they are willing to place under the direction of the Commission for conducting the survey. The extent and scope of the survey will to some extent depend on the facilities that are made available.

"An informal conference will be held at the office of the Commission in Washington on November 9, 1934, for the purpose of determining definitely the details of the survey and prorating the assignments to the licensees volunteering their facilities. This survey will be made under the strict supervision of the Commission and the measuring facilities of any station accepted will not be limited to measurements on the licensee's station alone, but will be assigned other territories.

"This is the survey generally requested in Proposal numbered (1) by the petitioners.

"The Proposal numbered (2) is dependent entirely upon the survey to be made and need not be considered further. It is obvious that if the information and data secured from the survey indicate that new or amended regulations should be promulgated, they will be considered by the Division later.

"The Proposal numbered (3) of the petition, if granted, would preclude the Division from taking any other or further action with respect to duplicate night time operation on clear channels. It is considered that to grant this proposal would violate the spirit of the law. Therefore, Proposal numbered (3) must be and is denied."

COMMISSION REVISES QUOTA SYSTEM

The Federal Communications Commission, on October 9, announced revision of rules 109, 110, 111 and 120, dividing the quota due each zone and state within each zone is divided into night and day sections, and the maximum day power on regional channels is increased to 5 kilowatts.

In connection with the revision of theses rules the Commission stated:

"Interference caused by stations at night is different from that caused at day. Consequently, the broadcast quota due, the limit of which is interference, has been separated into two parts, 'night quota, and 'day quota.' The quota charge for a station operating both day and night has been divided into two parts, the power and time of operation between 6:00 a. m. and 6:00 p. m. being charged to 'day quota' and the power and time of operation between 6:00 p. m. and 12:00 midnight being charged to 'night quota.' A day station, the opertion of which is entirely between 6:00 a. m. and 6:00 p. m. is charged only to 'day quota.'

"The 'night quota' due and 'day quota' due are entirely separate and wholly independent of each other. Applications will be considered in two parts if night and day operation is requested, and the proper quota due considered in connection with each part.

"The 'night quota' due and assigned do not differ materially from the night portion of the present system. The 'daytime quota' due each zone and state within each zone has been increased so that the quota already assigned no longer becomes the limiting factor in many cases to an increase in daytime power of local and regional stations and day and limited time stations on clear channels.

"Rule 120 was modified so that the maximum daytime power on the regional channels listed in this rule was increased to 5000

watts. No other change was made in the maximum power of other classes of stations.

"In increasing the daytime quota due the several states, it is not the intention of the Commission to license additional new daytime stations unless a full showing has been made that public interest will be served in making such a grant. The applicant must definitely establish the need for the additional service, the financial and technical ability to operate such a station in accordance with the Rules and Regulations, and that the station can exist on the basis of the grant requested.

"A survey of the stations in small cities or communities indicates that it is extremely difficult for such stations to operate even though they have full time. The possibility of a daytime station under similar circumstances becoming a success is greatly decreased."

TEXT OF REVISED FCC RULES

The text of rules 109, 110, 111, and 120 revised by the Federal Communications Commission on October 9, follows:

109. For the purpose of calculating the day and night quota units assigned to each zone and to states within each zone, in accordance with the Communications Act of 1934, Section 307 (b), stations of various powers and conditions of operation are assigned quota units as follows:

A. Power and condition of operation *Unlimited time day and night*	*Quota Units* Day	Night
(a) Power 100 watts or less duplicated	0.1	0.1
(b) " 250 " " " "	0.2	0.2
(c) " 500 " " " "	0.3	0.3
(d) " 1000 " " " "	0.5	0.5
(e) " 2.5 KW day power only	0.75	–
(f) " 5 KW duplicated night less than 2000 miles	–	0.75
(g) " 10 KW " " " " "	–	0.90
(h) " 25 KW " " " " "	–	1.00
(i) " 50 KW " " " " "	–	1.10
(j) " 5 KW " " more " "	–	1.25
(k) " 10 KW " " " " "	–	1.5
(l) " 25 KW " " " " "	–	1.8
(m) " 50 KW " " " " "	–	2.0
(n) " 50 KW more or less one station operating exclusively on the channel at night (dominant clear channel stations)	2.5	2.5
(o) " 5 KW day power only all stations except (n)	0.85	–
(p) " 10 KW " " " " "	1.10	–
(q) " 25 KW " " " " "	1.3	–
(r) " 50 KW " " " " "	1.5	–

B. Stations operating less than unlimited time will be assigned quota units according to the proportion of time between 6 a. m. and 6 p. m. and from 6 p. m. to midnight authorized by the license or time-sharing agreement.

C. Any station licensed for a power between the even values given above will be assigned the quota value for the nearest higher power value.

D. In case of operation authorized different from that specified above, the Commission will determine the quota value.

E. Limited time and day stations authorized to operate between 6 p. m. and midnight shall use the quota value in Section A (a) to (i) inclusive for the night hours according to the power.

F. Each new assignment of broadcast facilities, whether temporary or permanent, will be charged to quota assigned according to the foregoing and to the total hours of operation per broadcast day authorized by the license and regulations of the Commission.

110. In determining the day and night quota charge for a given assignment, the average time of local sunset shall be taken to be 6 p. m., local standard time.

111. Each of the five zones created by section 302 of the Communications Act of 1934 is entitled to have broadcast stations, the total value of the units shall be fair and equitably distributed among and allocated to the states in each zone in the ratio that the population of each of said states bears to the population of the zone. The total number of quota units of broadcast facilities to which each zone, and to which each state within the zone is entitled, based on the Fifteenth Census of the United States, 1930, is as follows:

First Zone

State	*Population*	*Per Cent*	*Quota Due* Day	Night
Connecticut	1,606,903	5.92	3.85	2.13
Delaware	238,380	.88	.57	.32
District of Columbia	486,869	1.79	1.16	.64
Maine	797,423	2.94	1.91	1.06
Maryland	1,631,526	6.01	3.91	2.16
Massachusetts	4,249,614	15.65	10.17	5.63
New Hampshire	465,293	1.71	1.11	.62
New Jersey	4,041,354	14.88	9.67	5.36
New York	12,588,066	46.37	30.14	16.69
Rhode Island	687,497	2.53	1.65	.91
Vermont	359,611	1.32	.86	.48
Subtotal	27,152.516	100.00	65.00	36.00

Second Zone

State	*Population*	*Per Cent*	*Quota Due* Day	Night
Kentucky	2,614,589	9.38	6.10	3.38
Michigan	4,842,325	17.36	11.28	6.25
Ohio	6,646,697	23.84	15.50	8.58
Pennsylvania	9,631,350	34.54	22.45	12.43
Virginia	2,421,851	8.68	5.64	3.13
West Virginia	1,729,205	6.20	4.03	2.23
Subtotal	27,886,017	100.00	65.00	36.00

Third Zone

State	*Population*	*Per Cent*	*Quota Due* Day	Night
Alabama	2,646,248	9.21	5.99	3.32
Arkansas	1,854,482	6.45	4.19	2.32
Florida	1,468,211	5.11	3.32	1.84
Georgia	2.908,506	10.12	6.58	3.64
Louisiana	2,101,593	7.31	4.75	2.63
Mississippi	2.009,821	7.00	4.55	2.52
North Carolina	3,170,276	11.03	7.17	3.97
Oklahoma	2,396,040	8.34	5.42	3.00
South Carolina	1,738,765	6.05	3.93	2.18
Tennessee	2,616,556	9.11	5.92	3.28
Texas	5,824,715	20.27	13.18	7.30
Subtotal	28,735,213	100.00	65.00	36.00

Fourth Zone

State	*Population*	*Per Cent*	*Quota Due* Day	Night
Illinois	7,630,654	28.15	18.30	10.14
Indiana	3,238,503	11.95	7.77	4.30
Iowa	2,470,939	9.12	5.93	3.28
Kansas	1,880,999	6.94	4.51	2.50
Minnesota	2,563,953	9.46	6.15	3.41
Missouri	3,629,367	13.39	8.70	4.82
Nebraska	1,377,963	5.08	3.30	1.83
North Dakota	680,845	2.51	1.63	.90
South Dakota	692,849	2.56	1.66	.92
Wisconsin	2,939,006	10.84	7.05	3.90
Subtotal	27,105,078	100.00	65.00	36.00

Fifth Zone

State	*Population*	*Per Cent*	*Quota Due* Day	Night
Arizona	435,573	3.66	2.38	1.32
California	5,677,251	47.72	31.02	17.18
Colorado	1,035,791	8.71	5.66	3.13
Idaho	445,032	3.74	2.43	1.35
Montana	537,606	4.52	2.94	1.63
Nevada	91,058	.76	.49	.27
New Mexico	423,317	3.56	2.31	1.28
Oregon	953,786	8.02	5.21	2.89
Utah	507,847	4.27	2.78	1.54
Washington	1,563,396	13.14	8.54	4.73
Wyoming	225,565	1.90	1.24	.68
Subtotal	11,896,222	100.00	65.00	36.00

120. Modify by striking next to last word (2,500) and insert (5,000).

DAY AND NIGHT QUOTA UNITS

Immediately following announcement of revision of its quota system, the Federal Communications Commission made public an up-to-date list of day and night quota units due each state and zone along with the units and percentages over due or under due each. A detailed analysis follows:

First Zone—Night

State	Due	Units Assigned	Units Over or Under	Per Cent Over or Under
Conn.	2.13	1.89	— 0.24	— 11
Del.	0.32	0.20	— 0.12	— 38
D. C.	0.64	0.60	— 0.04	— 6
Maine	1.06	0.99	— 0.07	— 7
Md.	2.16	1.95	— 0.21	— 10
Mass.	5.63	5.11	— 0.52	— 9
N. H.	0.62	0.33	— 0.29	— 47
N. J.	5.36	4.085	— 1.275	— 24
N. Y.	16.69	18.09	+ 1.40	+ 8
R. I.	0.91	0.70	— 0.21	— 23
Vt.	0.48	0.06	— 0.42	— 88
Total	36.00	34.005	— 1.995	— 6

First Zone—Day

State	Due	Units Assigned	Units Over or Under	Per Cent Over or Under
Conn.	3.85	2.66	— 1.19	— 31
Del.	0.57	0.33	— 0.24	— 42
D. C.	1.16	1.00	— 0.16	— 14
Maine	1.91	1.22	— 0.69	— 36
Md.	3.91	3.60	— 0.31	— 8
Mass.	10.17	6.35	— 3.82	— 38
N. H.	1.11	0.60	— 0.51	— 46
N. J.	9.67	4.955	— 4.715	— 49
N. Y.	30.14	20.17	— 9.97	— 33
R. I.	1.65	0.70	— 0.95	— 58
Vt.	0.86	0.66	— 0.20	— 23
Total	65.00	42.245	—22.755	— 35

Second Zone—Night

State	Due	Units Assigned	Units Over or Under	Per Cent Over or Under
Ky.	3.38	3.95	+ 0.57	+ 17
Mich.	6.25	5.06	— 1.19	— 19
Ohio	8.58	9.38	+ 0.80	+ 9
Pa.	12.43	12.54	+ 0.11	+ 1
Va.	3.13	4.70	+ 1.57	+ 50
W. Va.	2.23	1.93	— 0.30	— 13
Total	36.00	37.56	+ 1.56	+ 4

Second Zone—Day

State	Due	Units Assigned	Units Over or Under	Per Cent Over or Under
Ky.	6.10	4.15	— 1.95	— 32
Mich.	11.28	5.96	— 5.32	— 47
Ohio	15.50	11.56	— 3.94	— 25
Pa.	22.45	14.99	— 7.46	— 33
Va.	5.64	5.85	+ 0.21	+ 4
W. Va.	4.03	3.90	— 0.13	— 3
Total	65.00	46.41	—18.59	— 29

Third Zone—Night

State	Due	Units Assigned	Units Over or Under	Per Cent Over or Under
Ala.	3.32	2.735	— 0.585	— 18
Ark.	2.32	2.67	+ 0.35	+ 15
Fla.	1.84	3.65	+ 1.81	+ 98
Ga.	3.64	4.21	+ 0.57	+ 16
La.	2.63	5.10	+ 2.47	+ 94
Miss.	2.52	0.99	— 1.53	— 61
N. C.	3.97	4.23	+ 0.26	+ 7
Okla.	3.00	3.24	+ 0.24	+ 8
S. C.	2.18	1.00	— 1.18	— 54
Tenn.	3.28	6.05	+ 2.77	+ 84
Texas	7.30	11.07	+ 3.77	+ 52
Total	36.00	44.945	+ 8.945	+ 25

Third Zone—Day

State	Due	Units Assigned	Units Over or Under	Per Cent Over or Under
Ala.	5.99	4.285	— 1.705	— 28
Ark.	4.19	4.75	+ 0.56	+ 13
Fla.	3.32	4.75	+ 1.43	+ 43
Ga.	6.58	4.90	— 1.68	— 26
La.	4.75	5.40	+ 0.65	+ 14
Miss.	4.55	2.11	— 2.44	— 54
N. C.	7.17	4.85	— 2.32	— 32
Okla.	5.42	4.90	— 0.52	— 10
S. C.	3.93	2.25	— 1.68	— 43
Tenn.	5.92	7.25	+ 1.33	+ 22
Texas	13.18	13.22	+ 0.04	+ 0
Total	65.00	58.665	— 6.335	— 10

Fourth Zone—Night

State	Due	Units Assigned	Units Over or Under	Per Cent Over or Under
Ill.	10.14	11.03	+ 0.89	+ 9
Ind.	4.30	3.42	— 0.88	— 20
Iowa	3.28	5.02	+ 1.74	+ 53
Kans.	2.50	2.49	— 0.01	— 0
Minn.	3.41	4.18	+ 0.77	+ 23
Miss.	4.82	5.00	+ 0.18	+ 4
Neb.	1.83	2.21	+ 0.38	+ 21
N. D.	0.90	1.40	+ 0.50	+ 56
S. D.	0.92	0.86	— 0.06	— 7
Wis.	3.90	3.05	— 0.85	— 22
Total	36.00	38.66	+ 2.66	+ 7

Zone Four—Day

State	Due	Units Assigned	Units Over or Under	Per Cent Over or Under
Ill.	18.30	14.74	— 3.56	— 19
Ind.	7.77	5.55	— 2.22	— 29
Iowa	5.93	7.26	+ 1.33	+ 22
Kans.	4.51	3.32	— 1.19	— 26
Minn.	6.15	5.37	— 0.78	— 13
Mo.	8.70	8.21	— 0.49	— 6
Neb.	3.30	5.62	+ 2.32	+ 70
N. D.	1.63	1.90	+ 0.27	+ 17
S. D.	1.66	2.03	+ 0.37	+ 22
Wis.	7.05	5.56	— 1.49	— 27
Total	65.00	59.56	— 5.44	— 8

Fifth Zone—Night

State	Due	Units Assigned	Units Over or Under	Per Cent Over or Under
Ariz.	1.32	1.02	— 0.30	— 23
Calif.	17.18	18.67	+ 1.49	+ 9
Colo.	3.13	4.61	+ 1.48	+ 47
Idaho	1.35	1.50	+ 0.15	+ 11
Mont.	1.63	1.75	+ 0.12	+ 7
Nev.	0.27	0.35	+ 0.08	+ 30
N. M.	1.28	1.13	— 0.15	— 12
Oreg.	2.89	4.02	+ 1.13	+ 39
Utah	1.54	3.30	+ 1.76	+114
Wash.	4.73	7.26	+ 2.53	+ 53
Wyo.	0.68	0.40	— 0.28	— 41
Total	36.00	44.01	+ 8.01	+ 22

Fifth Zone—Day

State	Due	Units Assigned	Units Over or Under	Per Cent Over or Under
Ariz.	2.38	1.66	— 0.72	— 30
Calif.	31.02	21.05	— 9.97	— 32
Colo.	5.66	4.98	— 0.68	— 12
Idaho	2.43	1.95	— 0.48	— 20
Mont.	2.94	2.30	— 0.64	— 22
Nev.	0.49	0.35	— 0.14	— 29
N. M.	2.31	2.90	+ 0.59	+ 26
Oreg.	5.21	5.89	+ 0.68	+ 13
Utah	2.78	3.30	+ 0.52	+ 19
Wash.	8.54	8.50	— 0.04	— 0
Wyo.	1.24	0.40	— 0.84	— 68
Total	65.00	53.28	—11.72	— 18

100-WATT STATION POLICY ANNOUNCED

The Broadcast Division of the Federal Communications Commission, after considering Section 307 (b) of the Communications Act of 1934, relating to additional 100-watt stations, made an official announcement of policy on October 10.

Section 307 (b) of the Act reads as follows:

"Provided further, That the Commission may also grant applications for additional licenses for stations not exceeding one hundred watts of power if the Commission finds that such stations will serve the public convenience, interest, or necessity, and that their operation will not interfere with the fair and efficient radio service of stations licensed under the provisions of this section."

The Commission's statement in full text reads as follows:

"The Division decided that these stations will be assigned only to the channels designated in Rule 121 as local channels in the Rules and Regulations of the Commission, namely: 1200, 1210, 1310, 1370, 1420 and 1500 kilocycles. In determining interference that may be caused by these stations, the present power-frequency mileage separation tables of the Engineering Department will be followed and the technical requirements for the installation and operation will be the same as for all other broadcast stations.

"New broadcast stations will be licensed under this section only after a full showing has been made that the station will be operated in public interest. This showing must include full facts concerning the applicant's financial and technical ability to operate the station requested. It must be shown that program material is available such that programs can be built that will be of service and interest to the listeners. Proof must be submitted that sufficient possibilities are available that the applicant can provide adequate talent, personnel and properly maintained equipment.

"A review of existing stations in small centers of population reveals that a majority of these stations are having great difficulty in operating with adequate programs, maintenance and personnel.

"Past records show that in many cases applicants hope to obtain a limited facility and expect at a later date to materially increase that facility. The present allocation does not permit such later increases and accordingly the Commission must have proof that the assignment, as requested, has a reasonable promise of success."

TRADE COMMISSION CONTINUES SURVEY

Expressing gratification at the cooperation furnished by the network systems, stations and advertisers, the Federal Trade Commission on October 18 announced that it would continue its survey of radio advertising in the hope that cooperation would be continued. The announcement of the Commission follows:

"Because of the immense amount of work involved in reading and checking the advertising programs, the Commission has for the present, at least, adopted the policy of making the call by zones, of which the country has been divided into five. Today's call is for continuities to be submitted by the stations in Maine, New Hampshire, Vermont, Rhode Island, Connecticut, Massachusetts, New York, New Jersey, Delaware, Maryland, District of Columbia and Puerto Rico. Calls upon the other four zones will be made later.

"In the Commission's letter making the call for the submission of the advertising continuities, the fact is noted that on the first call, made to cover broadcasts during the month of July, the stations replied one hundred per cent. The Commission's letter says that this is 'a confirmation of our belief that the radio industry would cooperate wholeheartedly with the Commission in its work of eliminating untruthful advertising from the air.' The Commission feels that a promising start has been made and that real progress has been achieved.

"With respect to the procedure as to electrical transcription of advertising matter, the Commission has made a modification to the extent that hereafter the Commission desires copies to be furnished of all commercial announcements appended to or given in connection with a transcription, electrical or otherwise, where such commercial programs are delivered or read by an announcer in the local stations.

"In response to its first call, covering advertising programs for the month of July, the Commission received 180,877 continuities. Of these, 161,466 were found to be subject to no criticism and were filed without further action. The remaining 22,411 were referred for further examination. Of the ten network systems and 598 broadcasting stations in the country, all filed their continuities in compliance with the Commission's request, while the continuities submitted by transcription companies represent 95 per cent of the total volume of such advertising.

"The Commission is very much gratified at the cooperation furnished by the network systems, the stations and the advertisers and is much encouraged over the progress made in ridding radio advertising of false and misleading matter."

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

No hearings have been scheduled by the Commission for the week beginning Monday, October 29th.

APPLICATIONS GRANTED

KWK—Thomas Patrick, Inc., St. Louis, Mo.—Granted license to
1350 cover C. P.; **1350 kc.,** 1 KW night, 2½ KW LS, unlimited time.

WCNW—Arthur Faske, Brooklyn, N. Y.—Granted modification of
1500 C. P. to move transmitter and studio locally in Brooklyn, and extend commencement date to at once and completion date to 30 days from this date.

WJR—WJR, The Goodwill Station, Detroit, Mich.—Granted license
750 to cover C. P. covering move of transmitter and change in equipment; **750 kc.,** 10 KW, unlimited.

WLNH—The Northern Broadcasting Co., Laconia, N. H.—Granted
1310 license to cover C. P.; **1310 kc.,** 100 watts, daytime.

KSLM—Oregon Radio, Inc., Salem, Ore.—Granted license covering
1370 new station; **1370 kc.,** 100 watts, daytime.

WBBZ—Chas. Lewis Carrell, deceased, represented by Howard
1200 Johnson, Ponca City, Okla.—Granted license covering local move of transmitter and studio; **1200 kc.,** 100 watts, unlimited time.

KWCR—Cedar Rapids Broadcast Co., Cedar Rapids, Iowa.—
1430 Granted license covering change in frequency from **1420 kc.** to **1430 kc.,** and increase in power from 250 watts night, 500 watts LS, unlimited time.

KGBZ—KGBZ Broadcasting Co., York, Nebr.—Granted license
930 covering changes in equipment and increase in power from 500 watts night, 1 KW LS, to 1 KW night, 2½ KW LS, shares KMA.

WSMK—Stanley M. Krohn, Jr., Dayton, Ohio.—Granted consent
1380 to voluntary assignment of license to WSMK, Inc.

NEW—William J. Sanders, New Britain, Conn.—Granted C. P. for
1380 new station to operate on **1380 kc.,** 250 watts, daytime hours.

NEW—Head of the Lakes Broadcasting Co., Hibbing, Minn.—
1210 Granted C. P. for new station to operate on **1210 kc.,** 100 watts, unlimited time.

KPAC—Port Arthur College, Port Arthur, Tex.—Granted license
1260 covering move of station from Brownsville to Port Arthur, Texas, and changing hours of operation from sharing with KRGV to daytime, on **1260 kc.,** 500 watts, subject to decision of Court of Appeals in re case of Magnolia Petroleum Co. vs. Sabine Broadcasting Co., Inc. (KFDM), protesting the move of KPAC.

WBBM—WBBM Broadcasting Corp., Chicago, Ill.—Granted modi-
770 fication of special experimental authorization for synchronous operation with station KFAB from local sunset, Lincoln, Nebr., to midnight.

KFAB—KFAB Broadcasting Co., Lincoln, Nebr.—Granted modifi-
770 cation of special experimental authorization for synchronous operation with station WBBM from local sunset to midnight.

WCPC—Americus Broadcast Corp., Albany, Ga.—Granted modifi-
1410 cation of license to change hours from daytime to unlimited (**1420 kc.,** 100 watts).

KGIR—KGIR, Inc., Butte, Mont.—Granted C. P. to make changes
1360 in equipment; increase day power from 1 KW to 2½ KW.

WEED—William Avera Wynne, Rocky Mount, N. C.—Granted
1420 modification of license to change hours from daytime to unlimited day, sharing with WEHC night; also to move studio locally.

KOOS—H. H. Hanseth, Inc., Marshfield, Ore.—Granted modifica-
1370 tion of license to change hours of operation from daytime to: daytime and from local sunset to 7 p. m., PST, months of September, October, November, December, January, February, and March, with 100 watts power.

KSEI—Radio Service Corp.—Pocatello, Idaho.—Granted modifica-
890 tion of C. P. to move transmitter locally, move studio to Yellowstone-LL Highway, employ directional antenna system, and extend commencement date to within one day from this date and completion date to within 120 days hereafter,

subject to decision of the Court of Appeals in this case and to further order of the Commission thereon.

WHJB—Pittsburgh Radio Supply House, Greensburgh, Pa.—
620 Granted modification of C. P. approving transmitter and studio location in Greensburgh, extending commencement date to October 29, 1934, and completion date to 60 days thereafter.

WRAX—WRAX Broadcasting Co., Philadelphia, Pa.—Granted
1020 license to cover C. P. for auxiliary transmitter; **920 kc.,** 250 watts.

WPEN—Wm. Penn Broadcasting Co., Philadelphia, Pa.—Granted
920 license to cover C. P. for a period of 90 days conditionally as to WPEN; **920 kc.,** 250 watts night, 500 watts LS; stations to share time.

WRAX—WRAX Broadcasting Co., Philadelphia, Pa.—Granted
1020 license to cover C. P. for a period of 90 days conditionally as to WPEN; **920 kc.,** 250 watts night, 500 watts LS; stations to share time.

WKBZ—Karl L. Ashbacker, Muskegon, Mich.—Granted license to
1500 cover C. P.; **1500 kc.,** 100 watts, unlimited time.

WCRW—Clinton R. White, Chicago, Ill.—Granted license to cover
1200 C. P.; **1210 kc.,** 100 watts, specified hours.

WMAL—National Broadcasting Co., Inc., Washington, D. C.—
630 Granted modification of license to change main transmitter to auxiliary and change auxiliary to main transmitter.

WGAR—WGAR Broadcasting Co., Cleveland, Ohio.—Granted
1450 authority to determine operating power by direct measurement.

WKRC—WKRC, Inc., Cincinnati, Ohio.—Granted amendment of
550 section 2 of extension of special temporary experimental authorization, dated August 7, 1934, as follows: North tower 7.6 amperes, South tower 4.5 amperes. The current in North tower leads the current in South tower by 120°.

WXYZ—Kunsky Trendle Broadcasting Corp., Detroit, Mich.—
1240 Granted authority to transmit programs from WXYZ to stations of the Canadian Radio Commission.

WTBO—Association Broadcasting Corp., Cumberland, Md.—
800 Granted license to cover C. P.; **800 kc.,** 250 watts, daytime.

WCAO—The Monumental Radio Co., Baltimore, Md.—Granted
600 modification of license to increase day power from 500 watts to 1 KW.

KGNF—Great Plains Broadcasting Co., North Platte, Nebr.—
1430 Granted modification of license to increase day power from 500 watts to 1 KW.

WNYC—City of New York, Department of Plant and Structures,
810 New York City.—Granted modification of license to increase power from 500 watts to 1 KW.

WSFA—Montgomery Broadcasting Co., Inc., Montgomery, Ala.—
1410 Granted modification of license to increase day power from 500 watts to 1 KW.

WNAD—University of Oklahoma, Norman, Okla.—Granted modifi-
1010 cation of license to increase power from 500 watts to 1 KW.

WFBC—The Greenville News-Piedmont Co., Greenville, S. C.—
1200 Granted modification of license to increase night power from 250 watts to 1 KW.

KFJM—University of North Dakota, Grand Forks, N. Dak.—
1370 Granted special experimental authorization to change equipment and increase day power from 100 watts to 250 watts, experimentally.

WJBK—James F. Hopkins, Inc., Detroit, Mich.—Granted C. P. to
1500 make changes in equipment and increase power from 100 watts to 100 watts night, 250 watts day.

WMBC—Havens & Martin, Inc., Richmond, Va.—Granted C. P.
1420 to make changes in equipment and increase power from 100 watts to 100 watts night, 250 watts day.

WJW—WJW, Inc., Akron, Ohio.—Granted C. P. to make changes
1210 in equipment and increase power from 100 watts to 100 watts night, 250 watts day.

WLVA—Lynchburg Broadcasting Corp., Lynchburg, Va.—Granted
1200 C. P. to make changes in equipment and increase power from 100 watts to 100 watts night, 250 watts day.

WRAK—WRAK, Inc., Williamsport, Pa.—Granted C. P. to make
1370 changes in equipment and increase power from 100 watts to 100 watts night, 250 watts day.

WHEF—Attala Broadcasting Corp., Kosciusko, Miss.—Granted
1500 license to cover C. P.; **1500 kc.,** 100 watts, 250 watts LS, unlimited.

KMED—Mrs. W. J. Virgin, Medford, Ore.—Granted license to
1310 cover C. P.; **1310 kc.,** 100 watts, 250 watts LS, unlimited time.

WBNS—WBNS, Inc., Columbus, Ohio.—Granted authority to de-
1430 termine operating power by direct measurement.

WFBR—The Baltimore Radio Show, Inc., Baltimore, Md.—Granted
1270 authority to determine operating power by direct measurement.

KWK—Thomas Patrick, Inc., St. Louis, Mo.—Granted authority
1350 to determine operating power by direct measurement.

WJIM—Capitol City Broadcasting Co., Lansing, Mich.—Granted
1210 license to cover C. P.; **1210 kc.,** 100 watts night, 250 watts day, unlimited time.

WKJC—Lancaster Broadcasting Service, Inc., Lancaster, Pa.—
1200 Granted license to cover C. P.; **1200 kc.,** 100 watts night, 250 watts day, share WKBO.

KGER—Consolidated Broadcasting Corp., Ltd., Long Beach, Calif.
1360 —Granted license to cover C. P.; **1360 kc.,** 1 KW, unlimited.

KRKO—Lee E. Mudgett, Everett, Wash.—Granted C. P. to move
1370 locally to 1804 Hewitt Ave, same city; **1370 kc.,** 50 watts, share KVL.

WLBZ—Maine Broadcasting Co., Inc., Bangor, Me.—Granted C. P.
1310 to make changes in equipment and increase day power from 500 watts to 1 KW.

WNBX—WNBX Broadcasting Corp., Springfield, Vt.—Granted
1250 C. P. to make changes in equipment, increase power from 500 watts to 1 KW, and increase hours of operation from daytime to daytime to sunset at Erie, Pa.

XGRS—Gish Radio Service, Amarillo, Tex.—Granted C. P. to make
1410 changes in equipment and increase daytime power from 1 KW to 2½ KW.

WFEA—New Hampshire Broadcasting Co., Manchester, N. H.—
1340 Granted C. P. to increase day power from 500 watts to 1 KW.

WALA—Pape Broadcasting Corp., Inc., Mobile, Ala.—Granted
1380 modification of license to increase day power from 500 watts to 1 KW.

WBTM—Piedmont Broadcasting Corp., Danville, Va.—Granted
1370 C. P. to make changes in equipment and increase power from 100 watts to 100 watts night, 250 watts day.

WIBM—WIBM, Inc., Jackson, Mich.—Granted C. P. to make
1370 changes in equipment and increase power from 100 watts to 100 watts night, 250 watts day.

NEW—Aberdeen Broadcast Co., Aberdeen, S. Dak.—Granted C. P.
1420 for new station to operate on **1420 kc.,** 100 watts, full daytime hours.

NEW—Richard Austin Dunles, Wilmington, N. C.—Granted C. P.
1370 for new station to operate on **1370 kc.,** 100 watts, daytime.

KIT—Carl E. Hamond, Yakima, Wash.—Granted C. P. to make
1310 changes in equipment and increase power from 100 watts to 100 watts night, 250 watts day.

KFXJ—Western Slope Broadcasting Co., Grand Junction, Colo.—
1200 Granted C. P. to make changes in equipment and increase power from 100 watts to 100 watts night, 250 watts day.

KOOS—H. H. Hanseth, Inc., Marshfield, Ore.—Granted C. P. to
1200 make changes in equipment, change frequency from **1370 kc.** to **1200 kc.,** and increase power from 100 watts to 250 watts daytime hours.

NEW—E. J. Regan and F. Arthur Bostwick, d/b as Regan & Bostwick, St. Albans, Vt.—Granted C. P. (experimental); **406000 kc.,** 5 watts.

NEW—National Broadcasting Co., Inc., Portable-Mobile (New York City).—Granted C. P. (exp.-gen. exp.); **17310, 23100, 25700, 26000, 27100, 31100, 34600, 37600, 40600, 86000-400000, 401000 kc.,** 15 watts. Also granted license covering same.

W10XDT—Associated Radiocasting Corp., Portable-Mobile (Columbus, Ohio).—Granted license (exp.-gen. exp.); **31100, 34600, 37600, 40600 kc.,** 15 watts, for period ending June 1, 1935.

W3XAI—RCA Victor Co., Inc., Camden, N. J.—Granted modification of C. P. extending completion date to March 15, 1935.

WPAD—Paducah Broadcasting Co., Inc., Paducah, Ky.—Granted
1420 C. P. to increase power from 100 watts to 100 watts night, 250 watts day.

KBTM—Beard's Temple of Music, Jonesboro, Ark.—Granted
1200 modification of C. P. to change location of studio in Jonesboro, and extend completion date to November 1, 1934.

WOW—Woodmen of the World Life Ins. Assn., Omaha, Nebr.—
590 Granted modification of C. P. extending commencement date to November 1, 1934, and completion date to May 1, 1935.

WPEN—Wm. Penn Broadcasting Co., Philadelphia, Pa.—Granted
920 license to cover C. P., **920 kc.,** 250 watts. For auxiliary purposes only.

WCLO—WCLO Radio Corp., Janesville, Wis.—Granted consent to
1200 voluntary assignment of license to Gazette Printing Company, Inc.

NEW—A. M. Rowe, Inc., Portable-Mobile (Fairmont, W. Va.).—Granted C. P. (exp.-gen. exp.); **31100, 34600, 37600, 40600 kc.**, 10 watts.

SET FOR HEARING

NEW—Samuel L. Finn (to be determined), Dayton, Ohio.—C. P. for new station; **1250 kc.**, 250 watts, unlimited time.
1250

KGKL—KGKL, Inc., San Angelo, Tex.—C. P. to change transmitter locally, make changes in equipment, change frequency from **1370 kc.** to **940 kc.**, and increase power from 100 watts night, 250 watts LS, to 500 watts night, 1 KW LS.
940

KABC—Alamo Broadcasting Co., Inc., San Antonio, Tex.—Special experimental authorization to change frequency experimentally from **1420 kc.** to **1310 kc.** for period ending December 31, 1934. (No change 100 watts, unlimited time.)
1310

NEW—Mrs. Nellie H. Morris and W. C. Morris, a partnership working as "Hotel Eagle."—Authority to transmit programs from Hotel Eagle, Eagle Pass, Tex., over KEPN, Piedras Nagras, Mexico.

NEW—F. N. Pierce, Taylor, Tex.—C. P., **1310 kc.**, 100 watts, unlimited time.
1310

NEW—A. P. Mueller, Hubert Mueller, Alvin Mueller, Jr., Mueller Amusement Co., Seguin, Tex.—C. P., **1500 kc.**, 100 watts, specified hours—7:30 a. m. to 2 p. m.; 4 to 10 p. m.
1500

NEW—Calcasieu Broadcasting Co., T. E. Lanford, R. M. Dean, and L. M. Sepaugh, Lake Charles, La.—C. P., **1500 kc.**, 100 watts, unlimited time.
1500

NEW—Norman F. Storm, Centralia, Wash.—C. P.; transmitter site to be determined between Centralia and Chehalia, Wash. Studio to be located in Centralia; **1500 kc.**, 100 watts, unlimited time.
1500

NEW—The Ardmoreite Publishing Co., Inc., Ardmore, Okla.—C. P., 1210 kc., 100 watts, unlimited time.
1210

NEW—Munn Q. Cannon, Logan, Utah.—C. P., **1210 kc.**, 100 watts, unlimited. Transmitter site to be determined, Logan, Utah.
1210

NEW—M. D. Smith, Jr., d/b as Smith Broadcasting Co., Chattanooga, Tenn.—C. P., **1420 kc.**, 100 watts, unlimited time; Broad and Chestnut Streets at 9th, Chattanooga.
1420

NEW—Bailey Bros. (Burton G., Theodore G., David G., and Clinton J.), San Diego, Calif.—C. P., **1420 kc.**, 100 watts, unlimited time.
1420

NEW—Neth L. Leschman, Dallas, Tex.—C. P., **1200 kc.**, 100 watts, unlimited. Exact location to be determined in Dallas.
1200

NEW—Dr. Wm. J. Reynolds and Wm. J. Reynolds, Jr., Selma, Ala.—C. P., **1500 kc.**, 100 watts, daytime.
1500

NEW—A. L. Chilton, Kilgore, Tex.—C. P., **1200 kc.**, 100 watts, unlimited.
1200

NEW—O. K. Broadcasting Co., Louisville, Ky.—C. P., **1200 kc.**, 100 watts, unlimited (site to be determined).
1200

NEW—Eastern Broadcasting Co., Portland, Me.—C. P., **1210 kc.**, 100 watts, unlimited time.
1210

KSLM—Oregon Radio, Inc., Salem, Ore.—Modification of C. P. to make change in proposed equipment; change hours from daytime to unlimited; extend commencement date and completion date to 10 days after grant and 30 days thereafter, respectively.
1370

NEW—O. K. Broadcasting Co., Cleveland (site to be determined).—C. P., **1500 kc.**, 100 watts, unlimited time.
1500

NEW—Dudley J. Connolly, Chattanooga, Tenn.—C. P., **1420 kc.**, 100 watts, unlimited time.
1420

NEW—Carolina Radio, Inc., Anderson, S. C. (John C. Calhoun Hotel). Transmitter site to be determined, Anderson, S. C.—C. P., **1200 kc.**, 100 watts night, 250 watts LS, unlimited time.
1200

NEW—Patrick J. Goode, New Haven, Conn. (exact site to be determined).—C. P., **970 kc.**, 250 watts, limited time.
970

NEW—Joseph M. Kirby, Boston, Mass. (exact site to be determined).—C. P., **970 kc.**, 250 watts night, 500 watts LS, unlimited time.
970

NEW—Utah Radio Educational Society, Walter P. Monson, Jr., Pres., North Salt Lake, Utah.—C. P., **1430 kc.**, 1 KW, unlimited time.
1430

NEW—L. M. Kennett, Indianapolis, Ind. (exact site to be determined).—C. P., **600 kc.**, 1 KW, daytime.
600

NEW—Norman Baker, Muscatine, Iowa.—C. P., **1170 kc.**, 5 KW, limited time: 5:30 a. m. to LS, 12 midnight to 3 a. m., CST.
1170

NEW—W. L. Gleeson, Sacramento, Calif.—Special experimental authorization, **1470 kc.**, 5 KW, unlimited time.
1470

WEEU—Berks Broadcasting Co., Reading, Pa.—Modification of license to change power and increase hours of operation from 1 KW daytime to 500 watts night, 1 KW day, unlimited time.
830

WTBO—Associated Broadcasting Corp., Cumberland, Md.—Modification of license to increase hours of operation from local sunset at Cumberland to daytime to local sunset at Dallas, Tex.
800

WLBW—Broadcasters of Pennsylvania, Erie, Pa.—Consent to voluntary assignment of license to The Miami Valley Broadcasting Corp.
1250

WLBW—Miami Valley Broadcasting Corp., Erie, Pa.—C. P. to move transmitter and studio from Erie, Pa., to Dayton, Ohio, and install new antenna. (**1260 kc.**, 1 KW, unlimited time—no change.)
1260

WLIT—Lit Brothers Broadcasting System, Inc., Philadelphia, Pa.—Special experimental authorization to increase power from 500 watts to 1 KW night. (Station has S. A. to use 1 KW daytime.) No change **560 kc.**, S-WFI.
560

KFBK—James McClatchy Co., Sacramento, Calif.—Construction permit. Change transmitter location from 57th and H Sts., Sacramento, Calif., to about 4 miles west from center of business district of Sacramento, Calif.; make changes in equipment; change frequency from **1310 kc.** to **1490 kc.**; increase power from 100 watts to 5 KW.
1490

KFYO—T. E. Kirksey, tr. as Kirksey Bros., Lubbock, Tex.—Construction permit. Install new equipment, change frequency, and increase power from **1310 kc.**, 100 watts night, 250 watts LS, to **940 kc.**, 500 watts.
940

WTEL—Foulkrod Radio Engineering Co., Philadelphia, Pa.—Construction permit to make changes in equipment; change frequency from **1310 kc.** to **1230 kc.**, and increase power from 100 watts to 250 watts night, 500 watts day; change hours of operation from S-WHAT, WTEL 1/3 time and WHAT 1/3 time, but not permitted to operate any time WCAM is operating, to unlimited (use directional antenna).
1230

KNOW—KUT Broadcasting Co., Austin, Tex.—Special experimental authorization to move studio locally to Norwood Bldg., make changes in equipment, change frequency from **1500 kc.** to **1290 kc.**, and increase power from 100 watts to 250 watts.
1290

WROL—Stuart Broadcasting Corp., Knoxville, Tenn.—Special experimental authorization to change equipment and increase power from 100 watts to 100 watts night, 250 watts day. Requests waiver Rule 6.
1310

WMBR—Florida Broadcasting Co., Jacksonville, Fla.—Construction permit to make changes in equipment and increase power from 100 watts to 100 watts night, 250 watts day.
1370

WGL—F. C. Zieg (Allen Wayne Co.), Fort Wayne, Ind.—Construction permit to make changes in equipment, change frequency from **1370 kc.** to **1300 kc.**, and increase power from 100 watts to 250 watts night, 500 watts day.
1300

NEW—Great Western Broadcasting Association, Inc., Logan, Utah.—Construction permit, **1500 kc.**, 100 watts, unlimited.
1500

NEW—American Broadcasting Co., Washington, D. C.—Construction permit, **830 kc.**, 100 watts, unlimited.
830

NEW—Winger and Thomas, Chattanooga, Tenn.—Construction permit, **1420 kc.**, 100 watts, daytime.
1420

NEW—Albert T. Roche and Harold Smithson, Chico, Calif.—Construction permit, **850 kc.**, 100 watts, daytime.
850

NEW—Brown Radio Service & Laboratory (Cordon P. Brown, Owner), Rochester, N. Y.—Construction permit, **1210 kc.**, 100 watts, unlimited.
1210

NEW—Guthrie Broadcasting Co., Guthrie, Okla.—Construction permit, **1200 kc.**, 100 watts, S-WBBZ (7-9 a. m., 11 a. m. to 1 p. m., 3-5 p. m., 7-9 p. m. daily). Requests part facilities WBBZ.
1200

NEW—Joseph H. Hallock, Baker, Ore.—Construction permit, **1200 kc.**, 100 watts, daytime.
1200

WKBB—Sanders Bros. Radio Station, E. Dubuque, Ill.—Construction permit to make changes in equipment, increase power from 100 watts to 100 watts night, 250 watts day, and increase hours of operation from specified to unlimited.
1500

WMBH—Joplin Broadcasting Co., Joplin, Mo.—Modification of license. Change hours of operation from specified to unlimited. (No change **1420 kc.**, 100 watts night, 250 watts LS.)
1420

WCLS—WCLS, Inc., Joliet, Ill.—Modification of license. Change hours of operation from specified to unlimited (**1310 kc.**, 100 watts, S. H.).
1310

WLLH—Albert S. Moffat, Lexington, Mass. (C. P. Lowell, Mass.).—Modification of license. Change hours of operation from specified to unlimited (**1370 kc.**, 100 watts, 250 watts LS).
1370

KWEA—International Broadcasting Corp., Shreveport, La.—Con-
1500 struction permit. Move transmitter and studio from Shreveport, La., to a location to be determined in Baton Rouge, La.; new equipment, and change frequency from **1210 kc.** to **1500 kc.** (no change 100 watts, unlimited hours.)

KMMJ—The M. M. Johnson Co., Clay Center, Nebr.—Construc-
740 tion permit. Make changes in equipment and increase power from 1 KW to 2½ KW. (Station licensed for **740 kc.**, limited time.)

WWAE—Hammond-Calumet Broadcasting Corp., Hammond, Ind.
1010 —Construction permit to make changes in equipment, change frequency from **1260 kc.** to **1010 kc.**, and increase power from 100 watts to 500 watts, and change hours of operation from sharing with WFAM to unlimited.

WDZ—James L. Bush, Tuscola, Ill.—Construction permit to make
1070 changes in equipment and increase power from 100 watts to 250 watts. Licensed for **1070 kc.**, 100 watts, day only.

NEW—Guilford Broadcasting Co., Abilene, Tex.—Construction
1420 permit, **1420 kc.**, 100 watts, unlimited time.

NEW—Raymond L. Hughes, Midland, Tex.—Construction permit,
1200 **1200 kc.**, 100 watts, daytime.

NEW—W. C. Hilgedick and Geo. C. Knaur, 2 miles south of
1200 Denison city limits (Denison), Tex.—Construction permit, **1200 kc.**, 100 watts, daytime.

NEW—T. H. Barton, El Dorado, Ark.—Construction permit, **1370**
1370 **kc.**, 100 watts, unlimited.

NEW—W. L. Gleeson, Salinas, Calif.—Construction permit, **1210**
1210 **kc.**, 100 watts, unlimited.

NEW—A. H. Sconberg, Salinas, Calif.—Construction permit, **1500**
1500 **kc.**, 100 watts, unlimited.

NEW—Palmer Broadcasting Syndicate, Inc., Portland, Maine.—
1210 Construction permit, **1210 kc.**, 100 watts, unlimited.

NEW—Palmer Broadcasting Syndicate, Inc., Cheyenne, Wyo.—
1210 Construction permit, **1210 kc.**, 100 watts, unlimited.

NEW—Willis T. Shaughnessy, Bay Shore, N. Y.—Construction
1370 permit, **1370 kc.**, 100 watts, unlimited.

NEW—Great Western Broadcasting Association, Inc., Provo, Utah.
1210 —Construction permit, **1210 kc.**, 100 watts, unlimited.

NEW—Louis H. Callister, Provo, Utah.—Construction permit,
1200 **1200 kc.**, 100 watts, unlimited.

NEW—Paul Q. Callister, Salt Lake City, Utah.—Construction per-
1370 mit, **1370 kc.**, 100 watts, unlimited.

KMO—KMO, Inc., Tacoma, Wash.—Modification of license. In
1330 crease power from 250 watts to 500 watts (no change **1330 kc.**, unlimited time).

WBCM—James E. Davidson, Bay City, Mich.—Modification of
1410 license. Increase day power from 500 watts to 1 KW (no change **1410 kc.**, 500 watts night, unlimited.) (Col. Brown voted to grant.)

KVOD—Colorado Radio Corporation, Denver, Colo.—Modification
920 of license. Increase day power from 500 watts to 1 KW (no change **920 kc.**, 500 watts night, S-KFEL equally).

WHP—WHP, Inc., Harrisburg, Pa.—Modification of license. In-
1430 crease night power from 500 watts to 1 KW (**1430 kc.**, 1 KW day, unlimited, no change).

KRKD—Radio Broadcasters, Inc., Los Angeles, Calif.—Construc-
1120 tion permit. New equipment and increase power from 500 watts to 1 KW night, 2½ KW LS (no change **1120 kc.**, shares KFSG).

WFI—WFI Broadcasting Company, Philadelphia, Pa.—Special ex-
560 perimental authorization. Increase power from 500 watts to 1 KW night (no change **560 kc.**, S-WLIT). (Station has S. A. for 1 KW daytime.)

WHOM—New Jersey Broadcasting Corp., Jersey City, N. J.—
1450 Renewal of license set for hearing and conditional license granted pending hearing.

WDAG—National Radio & Broadcasting Corp., Amarillo, Tex.—
1410 Renewal of license set for hearing to be held at Amarillo, Tex., before a properly designated official upon a date to be set. Conditional license granted pending hearing. Charge violation of Sec. 316 of Communications Act of 1934.

NEW—James D. Scanell, Lewiston, Maine.—C. P. for new station
1210 to operate on **1210 kc.**, 100 watts, unlimited.

NEW—Ohio Valley Broadcasting Corp., Parkersburg, W. Va.—
1420 C. P. for new station to operate on **1420 kc.**, 100 watts, unlimited time.

NEW—William G. Demuth, Uhrichsville, Ohio.—C. P. for new
1420 station to operate on **1420 kc.**, 100 watts, daytime.

NEW—Radio Service, Inc., Riverside, Calif.—C. P. for new station
820 to operate on **820 kc.**, 100 watts, daytime.

WSYR-WSYU—Central New York Broadcasting Corp., Syracuse,
570 N. Y.—C. P. to move transmitter locally in Syracuse, make changes in equipment, and increase power from 250 to 500 watts. (Licensed on **570 kc.**, unlimited time.)

MISCELLANEOUS

KMLB—Liner's Broadcasting Station, Inc., Monroe, La.—Granted
1200 petition to take depositions in support of its application for change in frequency and increase in power to be heard November 13, 1934, at Washington, D. C.

WTJS—The Sun Publishing Co., Jackson, Tenn.—Hearing sched-
1310 uled for November 12, 1934, continued for an indefinite period. (Docket 2451.)

WNBR—Memphis Broadcasting Co., Memphis, Tenn.—Hearing
1430 scheduled for November 12, 1934, continued for an indefinite period. (Docket 5244.)

WTMJ—Milwaukee Journal, Milwaukee, Wis.—Reconsidered and
1280 granted request for an increase in daytime power from 2½ to 5 KW; no change in night power, which remains at 1 KW.

WMBH—Joplin Broadcasting Co., Joplin, Mo.—Reconsidered and
1420 granted modification of license to change hours of operation from specified to unlimited, upon motion of Commissioner Brown.

WBAA—Purdue University, W. Lafayette, Ind.—Reaffirmed grant
890 of June 29, 1934, for modification of license changing frequency from **1400 kc.** to **890 kc.**, and increasing day power to 1 KW LS, following withdrawal of the protest of station WILL.

WKBF—Indiana Broadcasting, Inc., Indianapolis, Ind.—Reaffirmed
1490 action of June 29, 1934, granting unlimited time.

WLIT—Lit Bros. Broadcasting System, Inc., Philadelphia, Pa.—
560 Denied request for reconsideration of application to increase night power from 500 watts to 1 KW on the frequency **560 kc.**, sharing time with WFI.

KCRC—Radiophone Co., Inc., Enid, Okla.—Denied petition that
1360 the Commission reconsider its action in designating for hearing application for modification of license to change frequency from **1370 kc.** to **1360 kc.**, increase power from 100 watts night to 50 watts day to 250 watts day and night; unlimited time.

WAVE—WAVE, Inc., Louisville, Ky.—Denied petition to intervene
1200 in the application of the O. K. Broadcasting Co., Bouisville, Ky., which seeks authority to erect a new station to operate on **1200 kc.**, 100 watts, unlimited time.

WEBR—Howell Broadcasting Co., Buffalo, N. Y.—Redesignated
800 for hearing amended application for C. P. to authorize change in frequency to **800 kc.**, increase in power from 1 KW, and reduce hours of operation from unlimited to sunset at Dallas, Tex., and to install new equipment.

WALR—WALR Broadcasting Corp., Zanesville, Ohio.—Suspended
1210 grant made October 12, 1934, for removal of station WALR from Zanesville to Toledo, to operate on **1210 kc.**, 100 watts, because of the protest of station WHBU, Anderson, Ind. An application for removal was designated for hearing.

WFI—WFI Broadcasting Co., Philadelphia, Pa.—Denied request
560 for reconsideration of application to increase night power from 500 watts to 1 KW, on the frequency of **560 kc.**, sharing time with WLIT.

WMT—Waterloo Broadcasting Co., Waterloo, Iowa.—Granted con-
600 sent to transfer of 100% of capital stock of the Waterloo Broadcasting Co. to the Cedar Rapids Broadcast Co. 100% subsidiary of the Register Tribune Company.

KGA—Louis Wasmer, Spokane, Wash.—Granted extension of spe-
900 cial temporary authorization to operate on **900 kc.**, 1 KW night, 2½ KW day, subject to action of U. S. Court of Appeals of the District of Columbia in cause No. 6216, Radio Service Corp., Station KSEI, vs. Federal Radio Commission, petition and protest of KFPY against extension denied.

WMBH—Joplin Broadcasting Co., Joplin, Mo.—Denied special
1420 temporary authorization to operate from 2 to 6 p. m., CST, November 2, 9, 16, 23, and 29; from 2 to 3 p. m., November 3, 10, 17, and 24; from 10 a. m. to 10:30 a. m. and from 2:30 to 3:30 p. m., CST, November 4, 11, 18, and 25, 1934.

KSLM—Oregon Radio, Inc., Salem, Ore.—Denied special temporary
1370 authorization to operate daily except Tuesdays and Fridays until 8:30 p. m., and Tuesdays and Fridays to 11 p. m., PST, pending action on application for unlimited time, but in no event for a period longer than 30 days.

WQDM—A. J. St. Antoine and E. J. Regan, St. Albans, Vt.—Appli-
1370 cation for C. P. to move station locally, heretofore granted, was retired to closed files for want of prosecution.

WCFL—Chicago Federation of Labor, Chicago, Ill.—C. P. to install
970 auxiliary transmitter heretofore granted, was retired to closed files as applicants advised construction has been abandoned.

WNOX—WNOX, Inc., Knoxville, Tenn.—Granted modification of
1010 license to change frequency from **560 kc.** to **1010 kc.** (The Broadcast Division on July 18, 1934, suspended the action of June 15, 1934, in granting the above application, affirmed its action of June 15 inasmuch as on September 25, 1934, the grant previously made to station WIS to change its frequency from **1010 kc.** to **560 kc.** and increase power from 500 watts night, 1 KW day, to 1 KW night, 2½ KW daytime, was affirmed and the granting of WNOX's application was contingent thereon.

NEW—Frank Lyman, Jr., Boston, Mass.—C. P. to erect new sta-
680 tion, **680 kc.,** 250 watts, limited time until local sunset at Raleigh, N. C., which was heretofore set for hearing, was dismissed at request of applicant.

WGLC—Adirondack Broadcasting Co., Inc., Hudson Falls, N. Y.—
1370 Granted petition for C. P. to remove station to Albany, and approved transfer of 90% of the outstanding stock.

WBAA—Purdue University, W. Lafayette, Ind.—Hearing post-
890 poned on application to modify license by changing frequency from **1400 kc.** to **890 kc.** and increasing daytime power from 500 watts to 1 KW at the request of WILL and WBAA, because the two stations have reached an agreement which they say will result in the withdrawal of the protest which brought about the hearing.

WEHC—Community Broadcasting Corp., Charlottesville, Va.—
1420 Granted application to change frequency from **1350 kc.** to **1420 kc.,** and power from 500 watts daytime only to 100 watts night, 250 watts day, unlimited daytime, sharing with WEED at night.

NEW—Plattsburg Broadcasting Corp., Plattsburg, N. Y.—Recon-
1310 sidered and granted application for C. P. for new station to operate on **1310 kc.,** 100 watts, daytime only. Site of transmitter to be determined.

WALR—WALR Broadcasting Corp., Zanesville, Ohio.—Suspended
1210 grant of authority to move station from Zanesville to Toledo, because of protest of station WJIM, Lansing, Mich. WALR operates on **1210 kc.** with 100 watts power. Application for removal set for hearing.

ACTION ON EXAMINERS' REPORTS

NEW—I-6: Lawrence B. Amelung, Washington, Mo.—Denied
1420 application to construct a new broadcast station at Washington, Mo., to operate on **1420 kc.,** unlimited time, 50 watts power. Examiner sustained.

NEW—Ex. Rep. 1-7: Gino Amatucci, Latrobe, Pa.—Denied
1210 application to erect a new broadcasting station at Latrobe, Pa., to be operated with 50 watts power on **1210 kc.,** daytime, sustaining the Examiner.

KGHI—Ex. Rep. 1-11: Lloyd Judd Co., Little Rock, Ark.—Denied
1200 application for special authorization to operate with 250 watts power, unlimited time, in lieu of 100 watts night time and 250 watts day. Application set for hearing on October 17, but no appearances entered and no evidence offered in support of the application. Default order entered. Examiner sustained.

NEW—Ex. Rep. No. 599: Voice of Longview, Longview, Tex.—
1370 Granted C. P. for new station to operate on **1370 kc.,** 100 watts, daytime, reversing Examiner R. L. Walker.

NEW—Ex. Rep. No. 571: Chas. Henry Gunthrope, Jr., Nacog-
1420 doches, Tex.—Denied application for new daytime station to operate on **1420 kc.,** 100 watts, sustaining Examiner R. L. Walker.

APPLICATIONS RETURNED

NEW—WMAN, Inc. (Corp. pending), Mansfield, Ohio.—Construc-
1370 tion permit to erect a new broadcast station to be operated on **1370 kc.,** 100 watts, unlimited time. (Rule 6, 125.)

WPTF—WPTF Radio Company, Raleigh, N. C.—License to cover
680 construction permit (B3-MP-5). (Sec. 8c, equipment tests, Form 327.)

NEW—Brothers & England (L. C. Brothers and H. P. England),
1370 Mansfield, Ohio.—Construction permit to erect a new broadcast station to be operated on **1370 kc.,** 100 watts, unlimited time. (Wrong form.)

WCSH—Congress Square Hotel Co., Portland, Maine.—Modifica-
940 tion of license to increase power from 1 KW, 2½ KW local sunset, to 5 KW. (Req. attorney.)

WIBU—William C. Forrest, Poynette, Wis.—Construction permit
1210 to install new equipment, increase daytime power from 100 watts to 250 watts. (Wrong form.)

KFIO—Spokane Broadcasting Corp., Spokane, Wash.—Construc-
1120 tion permit to change transmitter site locally, install new equipment. (Wrong form.)

KARK—Arkansas Radio & Equipment Co., Little Rock, Ark.—
890 Construction permit to increase power from 250 watts night, 500 watts day, to 1 KW; new equipment, change transmitter site. (Req. attorney.)

KIEM—Harold H. Hanseth, Eureka, Calif.—Construction permit
1450 to change frequency from **1210 kc.** to **1450 kc.,** increase power from 100 watts to 500 watts, install new equipment. (Assigned to Redwood Broadcasting Co., Inc.)

KFPM—Dave Ablowich, tr. as The New Furniture Co., Greenville,
1310 Tex.

KBTM—W. J. Beard (Beard's Temple of Music), Paragould, Ark.
1200

APPLICATIONS RECEIVED

WOL—American Broadcasting Company, Washington, D. C.—
1310 Modification of construction permit (1-P-B-3260) to extend completion date.

NEW—Broadcasters of Pennsylvania, Inc., Erie, Pa.—Construction
1420 permit for new station to be operated on **1420 kc.,** 100 watts night power, 250 watts daytime power, unlimited time. Studio, 925 Peach St., Erie, Pa. Transmitter site to be determined, Erie, Pa.

KABC—Alamo Broadcasting Co., Inc., San Antonio, Tex.—Special
1310 experimental authorization to change frequency from **1420 kc.** to **1310 kc.,** for period ending December 31, 1934.

NEW—W. Wright Esch, Daytona Beach, Fla.—Construction permit
1420 for a new broadcast station to be operated on **1420 kc.,** 100 watts nighttime power, 250 watts daytime power, **unlimited.** Transmitter and studio located 153 Magnolia Avenue, Daytona Beach, Fla. Amended to request 100 watts power day and night. Amended in regard to equipment.

NEW—Hazlewood, Inc., West Palm Beach, Fla.—Construction
1420 permit for new broadcast station for **1420 kc.,** 100 watts power, unlimited time. Transmitter and studio, El Varano Hotel, West Palm Beach, Fla.

WREC—WREC, Inc., Memphis, Tenn.—Construction permit to
600 increase power from 1 KW to 1 KW night, 2½ KW daytime; change equipment.

WHBF—Rock Island Broadcasting Co., Rock Island, Ill.—License
1210 to cover construction permit (B4-P-124), change studio location and make changes in equipment.

WHBL—Press Publishing Co., Sheboygan, Wis.—Modification of
1300 license (R-B-571) to change frequency from **1410 kc.** to **1300 kc.,** change night power from 500 watts to 250 watts, hours of operation from sharing with WROK to unlimited.

WDAF—The Kansas City Star Co., Kansas City, Mo.—Modifica-
610 tion of construction permit (4-P-B-3294) to increase power from 1 KW night, 2½ KW daytime, to 5 KW; make changes in equipment, extend commencement date to 30 days after grant and completion date to 90 days thereafter.

KRE—First Congregational Church of Berkeley, Berkeley, Calif.—
1370 Construction permit to install new equipment and increase day power from 100 watts to 250 watts. Amended and resubmitted as to equipment.

NEW—Bellingham Publishing Co., Bellingham, Wash.—Construc-
1420 tion permit for new broadcast station to be operated on **1420 kc.,** 100 watts power, unlimited. Studio, corner of State and Chestnut Streets, Bellingham, Wash. Transmitter site to be determined, Bellingham, Wash.

KUJ—KUJ, Inc., Walla Walla, Wash.—Modification of license
1370 (5-R-B-69) to change hours of operation from daytime to unlimited.

NEW—J. B. Kiefer, Los Angeles, Calif.—Construction permit for
1480 a new broadcast station to be operated on **1480 kc.,** 100 watts daytime. Transmitter and studio site to be determined, Los Angeles, Calif. (Westwood Village). Amended to increase power to 5 KW, unlimited time, and make changes in equipment.

W1XCW—E. J. Regan and F. A. Bostwick, d/b as Regan and Bostwick, Portable.—Modification of construction permit for general experimental broadcast station to change frequency from **40600 kc.** to **31100 kc.,** power from 5 watts to 20 watts, and make equipment changes.

NEW—Joseph M. Kirby, Boston, Mass.—Construction permit to
970 erect a new broadcast station to be operated on **970 kc.,** 250 watts night, 500 watts day, unlimited time. Amended to operate on **1120 kc.**

WOV—International Broadcasting Corp., New York, New York.—
1130 Construction permit to install directional antenna and change time from day to unlimited. Amended to request unlimited time except from 6 to 8 p. m.

WDRC—WDRC, Inc., Hartford, Conn.—Modification of license
1330 to increase power from 1 KW, 2½ KW LS, to 1 KW night, 5 KW day.

WAWZ—Pillar of Fire, Alma White College, Zarephath, N. J.—
1350 Modification of license to increase daytime power from 250 watts to 500 watts.

WROL—Stuart Broadcasting Corp., Knoxville, Tenn.—Construc-
1310 tion permit to increase power daytime from 100 watts to 250 watts. Supersedes 3-SA-B-124.

WFLA-WSUN—Clearwater Chamber of Commerce and St. Peters-
620 burg Chamber of Commerce, Clearwater, Fla.—Modification of special experimental authorization to increase power to 1 KW night, 5 KW day.

WTAR—WTAR Radio Corporation, Norfolk, Va.—Modification of
780 license requesting authority to use present transmitter as an auxiliary.

KGRS—E. B. Gish (Gish Radio Service), Amarillo, Tex.—Modifi-
1410 cation of license to change hours of operation from specified hours to unlimited time.

NEW—Hart & Nelson (J. A. Hart and Wayne M. Nelson), High
1200 Point, N. C.—Construction permit to erect a new broadcast station to be operated on **1200 kc.,** 100 watts, daytime.

NEW—Eugene DeBogory and Mildred English, d/b as Dallas
1500 Broadcasting Co., Dallas, Tex.—Construction permit to erect a new broadcast station to be operated on **1500 kc.,** 100 watts, daytime.

NEW—Homer York, Lufkin, Tex.—Construction permit to erect a
1340 new broadcast station to be operated on **1340 kc.,** 250 watts, unlimited time. Amended, equipment changes and transmitter site.

WDAY—WDAY, Inc., Fargo, N. Dak.—Construction permit to
940 increase power from 1 KW night, 2½ KW day, to 5 KW LS, 1 KW night, and make equipment changes.

NEW—Abraham Shapiro, Astoria, Ore.—Construction permit to
1370 erect a new broadcast station to be operated on **1370 kc.,** 100 watts, unlimited time. Amended to change hours from unlimited to 7 a. m. to 8 p.m. (specified hours).

NEW—Louis Wasmer, Inc., Portable.—Construction permit for a new broadcast pickup station to be operated on **1518, 2342, 2478 kc.,** 100 watts. Amended to change frequency to **1606, 2020, 2060,** and **2760 kc.**

KGBU—Alaska Radio & Service Co., Inc., Ketchikan, Alaska.—
900 Modification of license to change hours of operation from specified hours to unlimited time.

KPOF—Pillar of Fire (a corporation), near Denver, Colo.—Modifi-
880 cation of license to increase daytime power from 500 watts to 1 KW.

NEW—John R. Langenegger, Poughkeepsie, N. Y.—Construction
1370 permit to erect a new broadcast station to be operated on **1370 kc.,** 100 watts, daytime.

WSPD—Toledo Broadcasting Co., Toledo, Ohio.—Modification of
1340 construction permit to install new equipment, increase power from 1 KW to 1 KW night, 2½ KW day, requesting extension completion date.

NEW—Georgia School of Technology, Portable.—Construction permit to erect a new broadcast pickup station to be operated on **1622, 2190 kc.,** 5 watts.

NEW—Georgia School of Technology, Portable.—Construction permit to erect a new broadcast pickup station to be operated on **1622, 2190 kc.,** 10 watts.

KTSA—Southwest Broadcasting Co., San Antonio, Tex.—Modifica-
1290 tion special experimental authorization to increase power daytime from 2½ KW to 5 KW.

WSUI—State University of Iowa, Iowa City, Iowa.—Modification
880 of license to increase power from 500 watts to 500 watts night, 1 KW day; change hours of operation from specified hours to unlimited.

WNAX—The House of Gurney, Inc., Yankton, S. Dak.—Construc-
570 tion permit to increase power daytime from 2½ KW to 5 KW; make equipment changes.

KOIN—KOIN, Inc., Portland, Ore.—Modification of license to in-
940 crease daytime power from 1 KW to 5 KW.

NEW—Jack Powers, Frank C. Carman, David G. Smith, and Grant
1500 Wrathall, d/b as Utah Broadcasting Co., Salt Lake City, Utah.—Construction permit to erect a new broadcast station to be operated on **1500 kc.,** 100 watts power, unlimited time.

NEW—Harold Thomas, New Britain, Conn.—Construction permit
930 to erect a new broadcast station to be operated on **930 kc.,** 100 watts, daytime.

WIBG—WIBG, Inc., Glenside, Pa.—Voluntary assignment of license
970 to Seaboard Radio Broadcasting Corp.

WJAS—Pittsburgh Radio Supply House, Pittsburgh, Pa.—Con-
1290 struction permit to make equipment changes and move transmitter.

KQV—KQV Broadcasting Co., Pittsburgh, Pa.—Construction per-
1380 mit to make equipment changes and move transmitter.

NEW—Samuel L. Finn, Dayton, Ohio.—Construction permit to
1250 erect a new broadcast station to be operated on **1250 kc.,** 250 watts, unlimited time.

WJR—WJR, The Goodwill Station, Detroit, Mich.—License to
750 cover construction permit authorizing equipment changes and move of transmitter.

NEW—W. Wright Esch, Daytona Beach, Fla.—Construction per-
1420 mit to erect a new broadcast station to be operated on **1420 kc.,** 100 watts night, 250 watts, local sunset, unlimited time.

WEBQ—Harrisburg Broadcasting Co., Harrisburg, Ill.—License to
1210 cover construction permit authorizing equipment changes and increase in day power.

KGBZ—KGBZ Broadcasting Co., York, Nebr.—License to cover
930 construction permit authorizing equipment changes and increase in power.

KSOO—Sioux Falls Broadcast Assn., Inc., Sioux Falls, S. Dak.—
780 Modification of license to change frequency from **1110 kc.** to **780 kc.,** change power from 2½ KW night, 2½ KW day, to 1 KW night, 2½ KW day, change hours to specified hours except hours now being used by KFDY.

WLLH—Albert S. Moffat, Lowell, Mass.—License to cover con-
1370 struction permit authorizing move of studio and transmitter.

NEW—A. M. Rowe, Inc., Portable-Mobile.—Construction permit to erect a new general experimental broadcast station to be operated on **31100, 34600, 37600, 40600 kc.,** 10 watts.

WKBO—Keystone Broadcasting Corp., Harrisburg, Pa.—Construc-
1200 tion permit to make equipment changes, increase power from 100 watts night, 100 watts day, to 100 watts night, 250 watts day.

WGAR—The WGAR Broadcasting Co., Cleveland, Ohio.—Modifi-
560 cation of license to change frequency from **1450 kc.** to **560 kc.,** and increase power from 500 watts night, 1 KW day, to 1 KW day, 1 KW night, requesting facilities WIND.

NEW—John G. Curtis, Erie, Pa.—Construction permit to erect a
1370 new broadcast station to be operated on **1370 kc.,** 100 watts, unlimited time.

NEW—Mildred English and Genevieve C. Wilson, Dallas, Tex.—
1210 Construction permit to erect a new broadcast station to be operated on **1210 kc.,** 100 watts, daytime.

WSPA—Virgil V. Evans, Spartanburg, S. C.—Modification of con-
1420 struction permit authorizing installation new equipment, frequency change, move station locally, increase power, and operate daytime only, requesting approval transmitter site.

NEW—Mississippi Valley Broadcasting Co., Inc., E. St. Louis, Mo.
1500 —Construction permit to erect a new broadcast station to be operated on **1500 kc.,** 100 watts night, 250 watts day, unlimited time.

WDRC—WDRC, Inc., Hartford, Conn.—License to cover construc-
1330 tion permit authorizing equipment changes and increase in power.

NEW—Community Broadcasting Co., Toledo, Ohio.—Construc-
1200 tion permit to erect a new broadcast station to be operated on **1200 kc.,** 100 watts, daytime.

WTAR—WTAR Radio Corp., Norfolk, Va.—License to cover con-
780 struction permit authorizing equipment changes.

WPTF—WPTF Radio Co., Raleigh, N. C.—Modification of special
680 experimental authorization to increase power from 1 KW to 5 KW, change hours of operation from 11 p. m. to midnight.

KGFI—Eagle Broadcasting Co., Inc., Corpus Christi, Tex.—Special
1500 experimental authorization to increase power from 100 watts night, 250 watts day, to 250 watts day and night.

NEW—J. L. Scroggin, St. Joseph, Mo.—Construction permit to
1500 erect a new broadcast station to be operated on **1500 kc.,** 100 watts, local sunset to midnight.

KECA—Earle C. Anthony, Inc., Los Angeles, Calif.—Construction
1430 permit to move transmitter, install new equipment, increase daytime power, requesting extension of time.

NEW—William B. Smullin, Salem, Ore.—Construction permit to
1330 erect a new broadcast station to be operated on **1330 kc.,** 500 watts, unlimited time.

KID—KID Broadcasting Co., Inc., Idaho Falls, Idaho.—Modifica-
1320 tion of license to increase nighttime power from 250 watts to 500 watts.

WFBM—Indianapolis Power & Light Co., Indianapolis, Ind.—
1230 Construction permit to install new equipment, move transmitter and studio.

WIL—Missouri Broadcasting Corp., St. Louis, Mo.—Construction
1250 permit to change equipment, change frequency from **1200 kc.** to **1250 kc.,** increase power from 100 watts night, 250 watts day, to 250 watts night, 500 watts day.

WDAY—WDAY, Inc., Fargo, N. Dak.—License to cover construc-
940 tion permit authorizing changes in equipment and increase in daytime power from 1 KW to 2½ KW.

KVOA—Arizona Broadcasting Co., Inc., Tucson, Ariz.—Modifica-
1260 tion of license to change hours of operation from specified hours to unlimited.

KGA—Louis Wasmer, Spokane, Wash.—Extension of special ex-
900 perimental authorization to operate on **900 kc.,** 1 KW night, 2½ KW day, unlimited time.

KSL—Radio Service Corp. of Utah, Salt Lake City, Utah.—Au-
1130 thority to determine operating power by direct measurement.

WTAR—WTAR Radio Corp., Norfolk, Va.—Modification of license
780 to increase power from 500 watts to 500 watts day, 1 KW night.

WSMK—Stanley M. Krohn, Inc., Dayton, Ohio.—Voluntary as-
1389 signment of license to WSMK, Inc.

NEW—L. C. Brothers, H. P. England, d/b as Brothers & England,
1500 Wellington, Ohio.—Construction permit to erect a new special experimental broadcast station to be operated on **1500 kc.,** 20 watts.

WJBK—James F. Hopkins, Inc., Detroit, Mich.—Construction per-
680 mit to install new equipment, change frequency from **1500 kc.** to **680 kc.,** increase power from 100 watts to 500 watts.

WBNO—The Coliseum Place Baptist Church, New Orleans, La.—
1200 Voluntary assignment of license to Edward R. Musso.

NEW—Educational Radio, Inc., Spartanburg, S. C.—Construction
1420 permit to erect a new broadcast station to be operated on **1420 kc.,** 100 watts night, 250 watts day, unlimited time.

WBBZ—Charles Lewis Carrell, deceased, represented by Howard
1200 Johnson. Ponca City, Okla.—License to cover construction permit (B3-P-54) to move studio and transmitter locally.

W9XK—The State University of Iowa, Iowa City, Iowa.—Modifi-
2000 cation of license for additional 5 to 10 meter band, 100 watts, **2000-2100 kc.**

WTCN—Minnesota Broadcasting Corp., Minneapolis, Minn.—
680 Modification of license to change frequency from **1250 kc.** to **680 kc.,** decrease power from 1 KW to 500 watts night, 1 KW day, change hours of operation from specified hours to unlimited time.

KSLM—Oregon Radio, Inc., Salem, Ore.—License to cover con-
1370 struction permit (5-P-B-3195) to erect a new broadcast station to be operated on **1370 kc.,** 100 watts, day.

KGDM—E. F. Peffer, Stockton, Calif.—Modification of license to
1100 change hours of operation from daytime to daytime, 9:00 p. m. to 12:00 midnight.

KRE—First Congregational Church of Berkeley, Berkeley, Calif.—
1370 Construction permit to make equipment changes, increase power from 100 watts day and night to 250 watts day, 100 watts night.

WHEC—WHEC, Inc., Rochester, N. Y.—Modification of license to increase power from 500 watts night, 1 KW day, to 1 KW day, 1 KW night.

WKAR—Michigan State College, East Lansing, Mich.—Modifica-
950 tion of license to change frequency from **1040 kc.** to **950 kc.,** increase power from 1 KW day to 1 KW day, 500 watts night, change time from specified hours daytime to specified hours.

WPTF—WPTF Radio Co., Raleigh, N. C.—Modification of con-
680 struction permit authorizing installation of new equipment, increase in power, and move of transmitter site locally, requesting extension of completion date.

WDOD—WDOD Broadcasting Corp., Chattanooga, Tenn.—Modifi-
1280 cation of license to increase power from 1 KW night, 2½ KW day, to 1 KW night, 5 KW day.

KWCR—Cedar Rapids Broadcast Co., Cedar Rapids, Iowa.—
1420 License to cover construction permit (4-P-B-3057) authorizing frequency change, increase in power, and equipment changes.

KWCR—Cedar Rapids Broadcast Co., Cedar Rapids, Iowa.—Con-
1420 struction permit to make equipment changes, move transmitter site, increase power from 250 watts night, 500 watts day, to 1 KW.

KSCJ—Perkins Bros. Co., Publishers, Sioux City Journal, Sioux
1290 City, Iowa.—Modification of license to change frequency from **1330 kc.** to **1290 kc.,** change hours from simul. day and specified hours night to unlimited time.

NEW—William A. Schall, Omaha, Nebr.—Construction permit to
1420 erect a new broadcast station to be operated on **1420 kc.,** 100 watts, unlimited time.

KFVS—Oscar C. Hirsch, trading as Hirsch Battery & Radio Co.,
1210 Cape Girardeau, Mo.—License to cover construction permit (4-P-B-3297) authorizing equipment changes and increase in daytime power.

WADC—Allen T. Simmons, Tallmadge, Ohio.—Modification of
1320 construction permit (2-P-B-3295) to change equipment and extend completion date.

KADA—C. C. Morris, Ada, Okla.—License to cover construction
1200 permit (3-P-B-3194) as modified.

NEW—Leo J. Blanchard, Fredericksburg, Tex.—Construction per-
1120 mit to erect a new station on **1120 kc.,** 250 watts, sharing with WTAW. Amended requesting permit to erect new station on **1310 kc.,** 100 watts, specified hours (12:00 noon to 4:00 and 7:30 to 10:00 p. m.).

NEW—W. Wright Esch, Daytona Beach, Fla.—Construction permit
1420 for new station to be operated on **1420 kc.,** 100 watts power night and 250 watts daytime, unlimited time. Amended to request 100 watts day and night.

KSD—The Pulitzer Publishing Co., St. Louis, Mo.—Modification
550 of construction permit (4-P-B-3285) as modified to install new equipment, increase power from 500 watts night to 1 KW, and increase day power from 2½ to 5 KW.

KIEV—Cannon System, Ltd., Glendale, Calif.—Modification of
850 construction permit (5-P-B-3268) as modified to move transmitter from Broadway and Glendale Blvd. and studio from 701 E. Broadway, Glendale, Calif., to 5454 N. San Fernando Road, Glendale, Calif., and make changes in authorized equipment.

WBBL—Grace Covenant Presbyterian Church, M. A. Sitton, Agent,
1210 Richmond, Va.—**1210 kc.,** 100 watts, S. H.

KFIZ—The Reporter Printing Company, Fond du Lac, Wis.—
1420 **1420 kc.,** 100 watts, S. H.

KONO—Mission Broadcasting Co., San Antonio, Tex.—**1370 kc.,**
1370 100 watts, S-KMAC.

WQDM—E. J. Regan and F. Arthur Bostwick, St. Albans, Vt.—
1390 Construction permit to install new equipment; change frequency from **1370 kc.** to **1390 kc.;** change power from 100 watts to 1 KW; make changes in specified hours; move studio and transmitter, studio to 42 N. Main St., St. Albans, Vt., and transmitter to St. Albans Bay, Vt. Amended to change specified hours to 10:00 a. m. to 1:30 p. m., 4:30 to 6:00 p. m., Sundays.

WNAC—Shepard Broadcasting Service, Inc., Boston, Mass.—
1230 License to cover construction permit (1-P-B-3213) to increase power and change equipment.

WFBL—Onondaga Radio Broadcasting Corporation, Syracuse,
1360 N. Y.—Modification of license to increase day power from 2½ KW to 5 KW.

WDNC—Durham Radio Corporation, Durham, N. C.—Construc-
590 tion permit to change frequency from **1500 kc.** to **590 kc.,** power from 100 watts to 1 KW, install new equipment, move transmitter, site to be determined, Durham, N. C.

NEW—Liner's Broadcasting Station, Inc., Alexandria, La.—Con-
1370 struction permit to erect a new broadcast station to be operated on **1370 kc.,** 100 watts power, daytime. Studio at Bentley Hotel, 3rd and DeSoto Sts. Transmitter site to be determined, Alexandria, La.

WSGN—R. B. Broyles, d/b as R. B. Broyles Furniture Co., Bir-
1310 mingham, Ala.—License to cover construction permit (3-P-B-3034) as modified to increase day power and make equipment changes.

KVL—KVL, Inc., Seattle, Wash.—License to cover construction
1370 permit (5-P-B-3222) to make equipment changes.

The National Association of Broadcasters

NATIONAL PRESS BUILDING ★ ★ ★ ★ ★ WASHINGTON, D. C.

PHILIP G. LOUCKS, Managing Director

NAB REPORTS

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BROADCAST ADVERTISING IN SEPTEMBER

Developments of the Month

BROADCAST advertising improved materially in volume during September. Total time sales amounted to $4,576,223, a gain of 16.5% over August. Network advertising rose 13.8% during the month, regional network advertising 35.6%, national spot volume 30.3% and local broadcast advertising 13.1%.

Though the majority of this rise is due to seasonal factors, part of it is a reflection of fundamentally improved business. The September gain over the preceding month was considerably greater than in 1933, when an increase of but 6.9% was experienced.

Comparison with 1933

Broadcast advertising during September of the current year was 15.7% greater in volume than in the same month of 1933. National network revenues were 21.7% above the 1933 level, regional network volume almost double, national spot advertising 19.5% greater, and local broadcast advertising approximately the same as in the preceding year. The fact that no great improvement in retail trade has occurred during the year is probably the explanation for the lag in local broadcast advertising.

Comparison with Other Media

National magazine advertising showed the greatest degree of increase over August, rising 33.6%. Farm paper advertising increased 14.5% during the month and newspaper advertising 11.3%. National magazine volume for September was 20.1% greater than during the same month in 1933, national farm paper volume 15.0% greater, while newspaper advertising increased but 4.0%. The same conditions undoubtedly are operative here as in the case of local broadcast advertising.

Other Trends of the Month

The greatest increase in non-network business during the month occurred in the high powered regional and clear channel field, where revenues rose approximately one-third as compared with August. Regional station volume rose 15.5% and local 100 watt station volume 3.6%. As compared with last year, however, regional and local stations have made the better showing, being 27.6% and 32.7%, respectively, above September 1933.

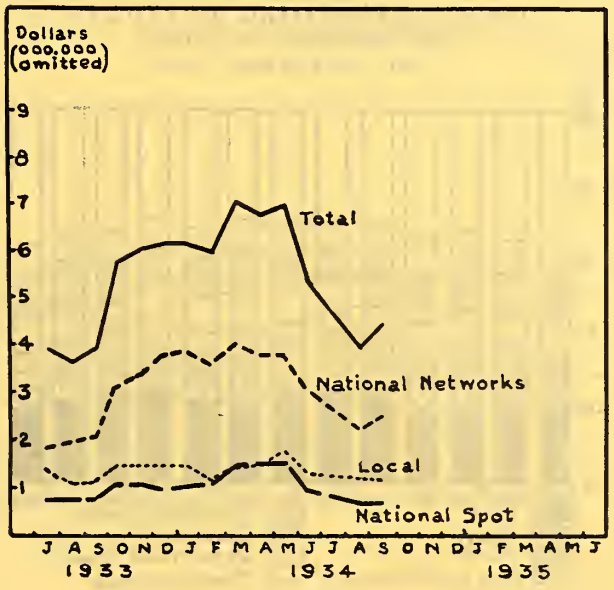
The New England-Middle Atlantic Area and the Pacific and Mountain Areas experienced the greatest rise in broadcast advertising during the month, volume in both districts increasing approximately 33.0%. Slighter gains were recorded elsewhere. As compared with September 1933, the New England-Middle Atlantic Area has gained 64.0%, the Middle West has made slight gains, the Pacific and Far West has lost approximately 10.0% and the South has lost nearly 40.0% in volume.

In the electrical transcription field, national spot volume rose 42.8% during the month, local volume remaining equal. National spot live talent volume rose 53.3% and local volume 15.0%. Both national spot and local announcement business increased approximately 13.0%. Compared with September 1933 national spot transcription volume is 13.6% greater, live talent 37.4% above the previous year, and announcement business 14.4% greater. Local volume has remained comparatively changed in all fields.

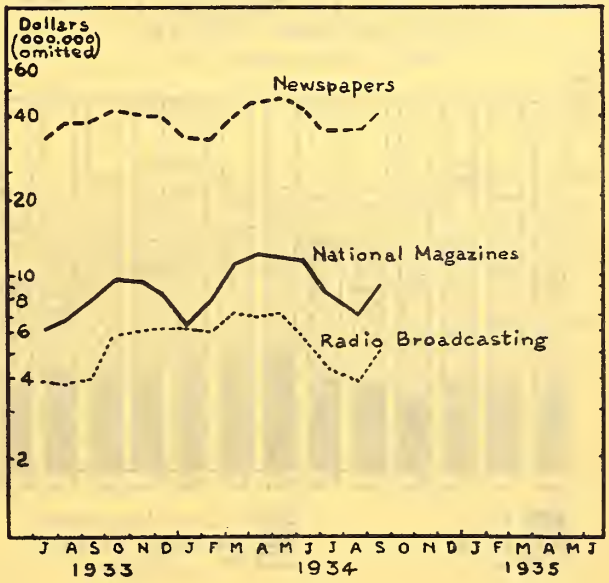
Broadcast Advertising Sponsors

Principal trends in the sponsorship of broadcast advertising during the month have included the following: an increase of 41.2% in automotive advertising due to national network and spot increase; a 24.0% rise in clothing advertising due mainly to increased network volume; a 64.0% increase in drug and pharmaceutical advertising, national network and spot fields showing the greatest

RADIO BROADCAST ADVERTISING VOLUME
July, 1933, to June, 1935

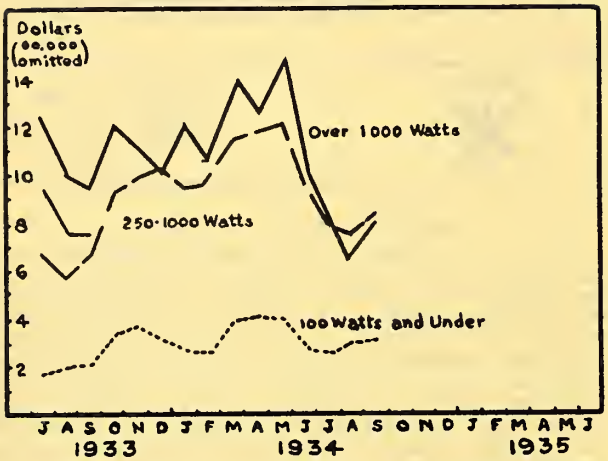


ADVERTISING VOLUME MAJOR MEDIA
July, 1933, to June, 1935



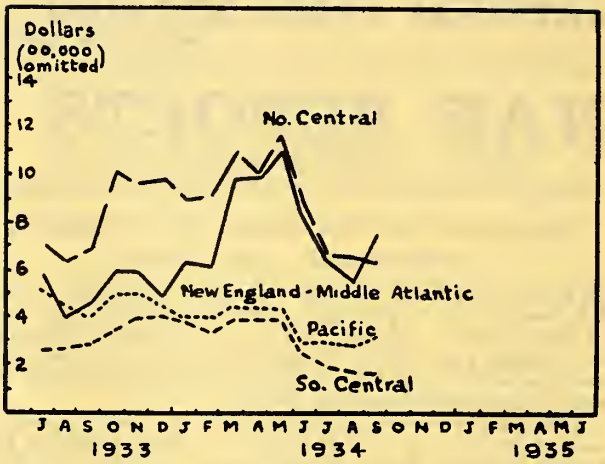
NON-NETWORK ADVERTISING BY STATION POWER

July, 1933, to June, 1935



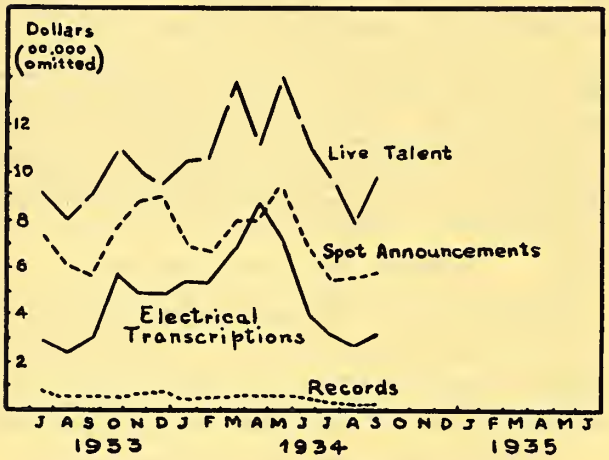
NON-NETWORK ADVERTISING BY GEOGRAPHICAL DISTRICTS

July, 1933, to June, 1935



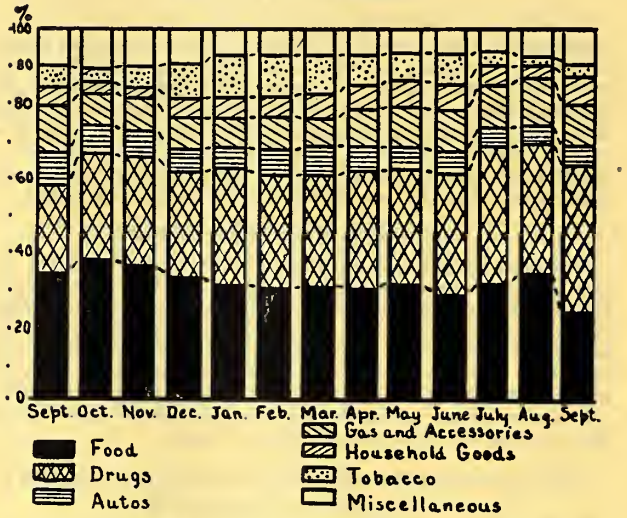
NON-NETWORK BROADCAST ADVERTISING BY TYPE OF RENDITION

July, 1933, to June, 1935



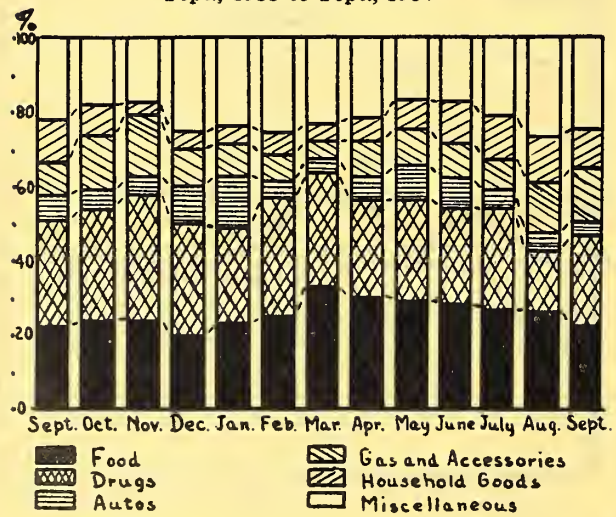
NATIONAL NETWORK ADVERTISING BY TYPE OF SPONSORING BUSINESS

Sept., 1933 to Sept., 1934



NATIONAL SPOT ADVERTISING BY TYPE OF SPONSORING BUSINESS

Sept., 1933 to Sept., 1934



LOCAL ADVERTISING BY TYPE OF SPONSORING BUSINESS

Sept., 1933 to Sept., 1934

gains; a rise of 58.0% in household equipment volume with local and national network advertising showing the greatest increases; gains of 26.0% in soap and kitchen supply advertising, 23.0% in financial advertising and 66.0% in department and general store advertising.

Chief gains as compared with September 1933 are as follows: gasoline and accessories 19.0%, cosmetics 48.0%, food 9.0%, and soap 50.0%. Two marked declines occurred, one of 50.0% in financial advertising, and one of 48.0% in tobacco advertising. Declines in national network business were responsible in both cases.

More detailed information regarding changes in particular categories of broadcast advertising is as follows:

1a. ***Amusements.*** Decline 20.0% as compared with August. Usual seasonal trend. Volume materially below 1933.

1. ***Automobiles.*** Increase 41.2% over month. Network rise 40.0%, national spot volume double. Local volume down 50.0%. Network volume 16.6% below same month 1933, national spot equal that period and local business 44.0% lower.

2. ***Accessories, gasoline and oil.*** Slight gain over August due mainly to marked rise in national spot volume. Local business off 25.0% compared with August. Total volume 19.0% above September 1933, with regional and national spot business mainly responsible.

3. ***Clothing.*** Increase of 24.0% compared to August. National network volume up 50.0%, regional network volume quadrupled, local volume up 9.0% and national spot business unchanged. Marked rise regional network clothing advertising as compared September last year. Local business up 9.0%. Rest unchanged.

4. ***Drugs and pharmaceuticals.*** Increased 64.0% over preceding month, due mainly to doubling in national spot volume, and 60.0% increase in national network volume. Both classes of business more than double same month 1933.

5. ***Toilet goods.*** Rise of 12.3% as compared with August, due to doubling national spot volume and 50.0% increase local cosmetic advertising. Cosmetic volume in September 48.0% greater than same month 1933. National network volume double last year and national spot 40.0% lower. Local volume unchanged.

6. ***Foodstuffs.*** Little change during month. Total food advertising 17.0% above September last year. Regional network volume quadrupled, national spot volume up 30.0%, national network volume up 17.0% and local volume down 17.0%.

7. ***Beverages.*** A decline of 19.0% during month, national network volume constituting main reason. Slightly below same month of preceding year.

8. ***Confectionery.*** Decrease of approximately one-third as compared with August. National network and national spot business responsible. Confectionery advertising only about 25.0% September 1933 level.

9. ***Household equipment and appliances.*** Increase of 58.0% over August. Network volume rose five times previous month's figures, while national spot and local volume doubled. Current month 72.0% above same period 1933.

10. ***Soap and kitchen supplies.*** Increase 26.0% during month. Local volume up 25.0%, national network volume up 64.0% and national spot unchanged. Advertising 50.0% above same month last year. Network volume doubled September 1933, national spot up 50.0% and local up 10.0%.

11. ***Insurance and financial.*** Rise of 23.0% compared with August, due to national spot and local increase. Network volume 50.0% below last September, national spot volume three times greater and local volume unchanged.

12. ***Radio.*** Increase of 16.0% compared with August due to rise in national network volume. General volume unchanged from last year.

13. ***Department store and general store.*** An increase of 66.0% over August, almost entirely in the local volume. Current season's department store volume approximately same as last year.

14. ***Tobacco products.*** Little change during month. Tobacco advertising 48.0% lower than same month 1933, due to decline in network volume.

15. ***Miscellaneous.*** An increase of 21.8% due mainly to national spot and local business. Network volume double same month 1933, national spot up 28.5% and local volume unchanged.

General Retail Advertising. Total retail advertising rose 36.3% during the month. Principal gains were as follows: automobile dealers 25.0%, clothing 23.0%, hardware doubled, and department and general store advertising up 66.0%.

Business Conditions

Business continues in uncertain fashion. Some slight gains are to be recorded in instances. However, the most encouraging factor is the degree to which industrial and commercial activity seems to have stabilized itself at certain levels. This, after all, is the first pre-requisite to any permanent recovery.

The *New York Times* index of business activity on October 13, stood at 75.4 as compared with 71.8 on September 15, indicating a slight increase in general economic activity. Prices, on the whole, tended to recede slightly. The general price index of the Bureau of Labor Statistics was 76.4 on October 13 as compared with 77.5 a month earlier. During the same period the agricultural commodity price index declined from 73.7 to 71.0 and the food price index from 76.2 to 74.8.

The car loading index decreased from 67.1 to 66.3 during the period September 15-October 13. During the same period the electric power index rose from 98.1 to 99.5. Steel production rose from 27.6% of the 1923-35 level on September 15 to 31.6% on October 20, while automobile production, during the same period, declined from 56.3% to 38.1%. Both stock and bond prices, however, rose slightly.

Slight gains were experienced in department store sales during August, variety store sales also increasing. New car sales in August were approximately 9.0% above the preceding year. It seems as if no great upswing in business may be expected in the near future.

RADIO BROADCAST ADVERTISING BY TYPE OF SPONSORING BUSINESS
(September, 1934)

Type of Sponsoring Business	*National Networks*	*Regional Networks*	*National Spot*	*Gross Receipts Local*	*Gross Receipts Total*
1a. Amusements	—	—	$1,530	$35,870	$37,400
1–2. Automobiles and Accessories:					
(1) Automobiles	$152,953	—	31,425	41,665	226,043
(2) Accessories, gas and oils	262,272	$14,145	112,462	59,288	448,167
3. Clothing and apparel	39,135	4,103	20,080	128,795	192,113
4–5. Drugs and toilet goods:					
(4) Drugs and pharmaceuticals	344,248	1,145	137,030	51,507	533,930
(5) Toilet goods	647,695	1,336	59,821	20,064	728,916
6–8. Food products:					
(6) Foodstuffs	475,816	14,032	132,922	144,298	767,068
(7) Beverages	194,319	2,700	29,721	66,648	293,388
(8) Confections	9,340	200	4,945	1,940	16,425
9–10. Household goods:					
(9) Household equipment and furnishings	30,198	424	42,625	116,927	190,174
(10) Soap and kitchen supplies	183,614	—	39,832	6,200	229,646
11. Insurance and financial	40,368	2,675	13,780	36,517	93,340
12. Radios	56,168	—	1,800	12,540	70,508
13. Retail establishments	—	—	1,480	118,854	120,334
14. Tobacco products	46,072	—	12,960	735	59,767
15. Miscellaneous	78,459	17,188	139,490	333,867	559,004
Total	$2,560,657	$57,948	$781,903	$1,175,715	$4,576,223

RETAIL ADVERTISING OVER INDIVIDUAL STATIONS

(September, 1934)

Type of Sponsoring Business	*Gross Receipts August*	*September*
Automobiles and accessories:		
Automobile agencies and used car dealers	$33,750	$41,906
Gasoline stations, garages, etc.	31,467	34,586
Clothing and apparel shops	109,420	134,130
Drugs and toilet goods:		
Drug stores	7,157	7,857
Beauty parlors	3,180	7,208
Food products:		
Grocery stores, meat markets, etc.	30,450	35,938
Restaurants and eating places[1]	14,113	16,035
Beverage retailers	716	280
Confectionery stores, etc.	1,487	670
Household goods:		
Household equipment retailers[2]	29,800	26,060
Furniture stores	54,231	46,150
Hardware stores	7,363	13,065
Radio retailers	5,462	6,540
Department and general stores	72,645	120,334
Tobacco shops	2,075	—
Miscellaneous	36,700	59,050
Total	$439,716	$549,809

[1] Exclusive of hotels.
[2] Such as electric refrigerators, oil burners, sweepers, furnaces and the like.

TOTAL BROADCAST ADVERTISING VOLUME

Class of Business	*1934 Gross Receipts August*	*September*	*Cumulative Jan.-July*
National networks	$2,248,870	$2,560,657	$29,303,103
Regional networks	42,694	57,948	450,832
National spot business	598,122	781,903	9,758,639
Local broadcast advertising	1,039,070	1,175,715	11,589,348
Total	$3,928,756	$4,576,223	$51,101,922

ADVERTISING VOLUME BY MAJOR MEDIA

Advertising Medium	*1934 Gross Receipts August*	*September*	*Cumulative Jan.-Sept.*
Radio broadcasting	$3,928,756	$4,576,223	$51,101,922
National magazine[1]	7,141,669	9,548,298	86,246,829
National farm papers	288,526	431,957	3,931,644
Newspapers[2]	35,321,000	39,929,000	352,248,150
Total	$46,679,951	$54,485,478	$493,528,545

[1] National magazine totals are for 108 periodicals, prepared by Publishers' Information Bureau, Inc., from which source national farm papers and networks are also taken.
[2] Estimated.

NON-NETWORK BROADCAST ADVERTISING BY POWER OF STATION

Power of Station[1]	*1934 Gross Receipts August*	*September*	*Cumulative Jan.-Sept.*
Over 1,000 watts	$625,060	$821,938	$9,649,470
250-1,000 watts	737,332	851,180	8,807,141
100 watts	274,800	284,500	2,891,376
Total	$1,637,192	$1,957,618	$21,347,987

[1] This includes high-powered regional and clear channel stations ranging from 5 kilowatts upwards in power.

NON-NETWORK BROADCAST ADVERTISING BY GEOGRAPHICAL DISTRICTS

Geographical Districts	*1934 Gross Receipts August*	*September*	*Cumulative Jan.-Sept.*
New England-Middle Atlantic Area	$565,678	$758,314	$7,232,877
South Atlantic-South Central Area	162,600	172,976	2,742,819
North Central Area	637,404	663,661	8,025,572
Pacific and Mountain Area	271,500	362,667	3,346,719
Total	$1,637,192	$1,957,618	$21,347,987

NON-NETWORK BROADCAST ADVERTISING BY TYPE OF RENDITION

Type of Rendition	*1934 Gross Receipts — National Spot August*	*National Spot September*	*Local August*	*Local September*	*Total August*	*Total September*	*Cumulative Jan.-Sept.*
Electrical transcriptions	$176,810	$253,473	$77,045	$78,145	$254,215	$331,618	$4,674,692
Live talent programs	245,855	376,265	539,265	620,435	785,120	996,700	9,979,437
Records	1,067	1,070	27,250	33,860	28,317	34,930	357,297
Spot announcements	174,390	151,095	395,150	443,275	569,540	594,370	6,336,561
Total	$598,122	$781,903	$1,039,070	$1,175,715	$1,637,192	$1,957,618	$21,347,987

The National Association of Broadcasters

NATIONAL PRESS BUILDING ★ ★ ★ ★ ★ WASHINGTON, D. C.

PHILIP G. LOUCKS, Managing Director

NAB REPORTS

★ ★ ★ ★

Vol. 2 - - No. 52
NOV. 9, 1934

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BROADCAST ADVERTISING
(Third Quarter, 1934)
Comparison with Previous Periods

Total broadcast advertising during the third quarter of the current year amounted to $12,880,442. Revenues were 31.6% below those of the previous quarter. This decline approximates the usual seasonal trend at this time of the year. The 42.1% drop in national spot volume, however, exceeds the usual seasonal decrease.

Completion of the current quarter's figures makes possible the first comparison of a quarterly period for two consecutive years on the part of the broadcasting industry.

Broadcast advertising for the third quarter of 1934 was 10.2% greater in volume than during the same period of 1933. The situation with regard to various portions of the broadcasting structure is indicated in Table I.

TABLE I
TOTAL BROADCAST ADVERTISING VOLUME
(July-September, 1934)

Class of Business	*Gross Receipts*	*Percentage Increase or Decrease as Compared with 1933*
National networks	$7,304,237	+ 25.4%
Regional networks	133,581	+114.5%
National spot business	2,147,775	+ 10.8%
Local broadcast advertising	3,294,849	— 12.0%
Total	$12,880,442	+ 10.2%

The gain on the part of national spot advertising would have been greater had it not been for the abnormally severe decline in business of this type during the quarter.

Local broadcast advertising has been the only form of broadcast advertising to decline as compared with the same period of 1933. The failure of small business and retail trade to improve materially during the intervening months is most probably the cause for the decline.

Comparison with Other Media

The increase in national magazine advertising as compared with the third quarter of 1933 was 19.8%, a smaller gain than that experienced by the national networks, which constitute their radio counterpart. Farm paper advertising registered a gain of 26.4% over the same period of last year. Newspaper lineage rose but 0.9%, again exhibiting the same tendency shown by local broadcast advertising.

Trends in Non-Network Advertising

No very definite trends have been revealed in the field of station power with the exception of a slight tendency for the regional stations, 250-1,000 watts in power, to fare better than other classes.

With regard to geographical districts, the Pacific-Mountain area and the New England-Middle Atlantic district have shown the greatest gains over the corresponding period of last year. Revenues of the former area were 44.5% above the third quarter of 1933, while those of the eastern section were 35.6% greater than during the same portion of last year.

Middle Western broadcast advertising increased 7.8% as against the same period of the preceding year, while, following a marked increase during a portion of 1933, broadcast advertising in the South declined materially.

Trends as to Type of Rendition

Electrical transcription volume was 2.0% greater than during the third quarter of 1933, while live talent volume rose 2.6%. On the other hand, record volume decreased 48.1% and spot announcement business declined 14.0%.

The significance of these trends becomes more evident when totals are broken down by national spot and local broadcast advertising. In the national spot field electrical transcription volume was 1.2% less than during the same period of last year. Spot announcement volume was 17.6% less, while the small amount of record programs in this field shrank materially. In striking comparison to these trends is the 46.4% rise in live talent spot.

In the local field electrical transcriptions gained 11.8%, live talent dropped off 14.1% as compared with the third quarter of 1933, record volume showed a decrease of 34.4% and spot announcements of 17.9%. It seems clear that it has been the smaller retailer, especially, who has been forced to curtail his broadcast advertising.

Trends in Broadcasting Sponsorship

A comparison of broadcast advertising sponsorship during the third quarter of the years 1934 and 1933 show marked changes. In the national network field there has been a marked increase in pharmaceutical and cosmetic advertising, both of these classes more than doubling in volume as compared with the same period of the preceding year. Cosmetic advertising was second only to the general food group during the period.

Other shifts of importance include a marked gain in clothing advertising over national networks, a marked rise in soap and kitchen supply advertising, a decrease in automotive broadcasting sponsorship, and a decline in tobacco advertising.

In the individual station field, other changes of interest have occurred. Beverage advertising has increased 36.5% as against last year, due mainly to a doubling in national spot volume. Household equipment advertising has risen 22.9%. Increased local volume is responsible principally for the increase. Tobacco advertising has increased 43.6%, due to a greater use of national spot broadcasting by some of the smaller tobacco companies. Radio set advertising also has increased materially.

Decreases have occurred in several fields. Non-network cosmetic advertising is only half as much as during the third quarter of 1933, declining national spot volume being the principal cause. Automotive advertising has dropped off 17.9%, both national spot and local volume decreasing. Department and general store advertising has decreased 9.3% as against the same period of last year. Non-network confectionery advertising declined materially due to national spot decreases.

The relative gain or loss of advertising volume during the third quarter of 1934 as compared with the preceding year on the part of various industrial groups is found in Table II.

TABLE II

COMPARATIVE DEGREE OF BROADCAST ADVERTISING BY PRINCIPAL INDUSTRIAL GROUPS DURING THIRD QUARTER 1933 AND 1934

Type of Sponsoring Business	*Percentage increase or decrease in time sales*	
	National Networks	*Non-network Business*
1a. Amusements	—	+ 5.0%
1–2. Automobiles and accessories:		
(1) Automobiles	— 27.6%	—17.9%
(2) Accessories, gas and oils	+ 4.2%	— 1.0%
3. Clothing and apparel	+133.3%	+ 6.3%
4–5. Drugs and toilet goods:		
(4) Drugs and pharmaceuticals	+105.5%	+10.0%
(5) Toilet goods	+105.7%	—52.8%
6–8. Food products:		
(6) Foodstufs	+ 31.0%	+ 2.0%
(7) Beverages	(no change)	+36.5%
(8) Confections	— 10.0%	—76.6%
9–10. Household goods:		
(9) Household equipment and furnishings	— 21.3%	+22.9%
(10) Soaps and kitchen supplies	+ 87.5%	+ 2.3%
11. Insurance and financial	— 18.7%	—12.0%
12. Radios	— 16.1%	+45.1%
13. Retail establishments	—	— 9.3%
14. Tobacco products	— 61.8%	+43.6%
15. Miscellaneous	+ 23.1%	— 6.4%
Total	+ 25.4%	— 4.1%

The National Association of Broadcasters

NATIONAL PRESS BUILDING ★ ★ ★ ★ ★ WASHINGTON, D. C.

PHILIP G. LOUCKS, Managing Director

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NOTICE TO DELINQUENTS!

Formal notice is bereby given to all NAB members who have not paid dues for the Fourth Quarter of 1934 (or wbo were in arrears prior to October 1) that unless all dues due and payable are paid on or before November 27, 1934, they will be dropped from the membership rolls of the Association and tbeir membersbip forfeited in accordance with By-Law 11 which reads as follows:

"The membership of any broadcasting station, individual, firm, corporation, the dues for which have not been paid within a period of three months shall thereupon be automatically forfeited, provided fourteen days' notice thereof be given in writing to such delinquent broadcasting station, individual, firm or corporation and such forfeiture shall operate as a forfeiture of all rights and claims on the part of such member to any portion of the assets of the Association."

Members in arrears in dues may not resign until the total amount due is paid.

The purpose of this notice is that the NAB will shortly publish a new membership directory which will include only members in good standing as of the date of publication.

It is being urged that a list of members dropped for non-payment of dues be published in NAB REPORTS, and that the NAB insignia be removed from the rate listing in Radio Advertising (Standard Rate and Data).

PLEASE CHECK YOUR RECORDS!

Every member of the NAB whose dues were not paid up to date on November 1 has received an invoice from tbe Association. You are urged to cbeck your records to see whetber or not this invoice has been paid. We do not want to drop from the rolls any member because of misunderstanding or mere neglect. But at the same time the rule laid down in By-Law 11 must be applied without discrimination. Please make a check-up and if you have overlooked payment, send in your check before November 27, 1934.

NAB FACES HEAVY PROGRAM

The NAB faces the heaviest program of its history. The resolutions adopted at the membership meeting, the general hearings before the Federal Communications Commission, the copyright litigation, and the coming to Washington next January of a new Congress create new demands upon the Association. In tbe meantime the growth in membership to nearly 400 members has increased enormously the routine duties at the headquarters office.

The NAB must go forward or backward. It cannot stand still. To go forward demands that each and every member do his part.

The new dues system adopted at Cincinnati is working splendidly. It remains now to trim our sails and go forward with full speed ahead.

REORGANIZATION OF OFFICE WORK

The creation of new services to members called for under resolutions adopted by the membership at the Cincinnati meeting will require a reorganization of office work at NAB headquarters.

Reorganization plans are now being worked out and the engineering and commercial activities are being divided between J. C. McNary and Dr. Herman S. Hettinger. The latter has obtained a leave of absence from his teaching duties at the University of Pennsylvania to assist in developing an agency recognition and credit service and the creation of a central bureau for the coordination of listener and coverage surveys. He will also have complete charge of the statistical and research services and will devote a part of his time this winter to the preparation of a manual on retail radio advertising. Mr. McNary, who recently returned from the International Technical Consulting Conference at Lisbon, Portugal, will complete the NAB Operators' Handbook and other projects initiated by the Engineering Committee.

Mr. McNary has been appointed Technical Director of the Association and Dr. Hettinger has been appointed as Research Director. Their work will be coordinated with the policies laid down by the Engineering and Commercial Committees of the Association.

CLEAR CHANNEL CONFERENCE HELD

On invitation of the Broadcast Division of the Federal Communications Commission, 40 representatives of clear channel licensees met in the Commission's offices Friday, November 9, to discuss plans for a survey of broadcasting service in the United States.

The Commission, acting on a petition of KFI and several other clear channel licensees, proposed in its statement of October 30 that a complete survey of service rendered by clear channel, regional and local stations be made during the coming winter months and extending into the next spring season.

The tentative plan as suggested by the Engineering Division of the Commission involves four lines of endeavor, as follows: (1) Continuous field intensity recordings of clear channel stations, tbe records to be made at distances varying from 1000 to 3000 miles; (2) An analysis of duplicated clear channels (sucb as 790 kilocycles occupied by WGY and KGO), with complete determination of radiation characteristics of the individual stations as well as determination of the field intensities and service rendered in the areas between stations; (3) Field intensity measurements made in rural districts throughout the United States with correlation with listener habits as determined by personal investigation, and (4) Listener habit survey of rural audiences to be conducted by mail, by the Commission.

It is planned that individual stations may participate in the survey, although all data will be co-ordinated and compiled by the Commission staff. It is understood tbat the survey is not definitely limited to clear channel measurements, but may include measurements, in some cases, of service rendered by regional and local stations.

Among the stations which offered cooperation in the form of field intensity measuring or recording apparatus, trucks, personnel, etc., were WSM, WSB, WLW, WGN, WSPD, KYW, KFI, WJR, WWL, WFLA, KNX, WHAM, WCAU, WFAA, WSB, WGY, WLS, WOAI, Yankee Network and Jansky & Bailey.

Another meeting of the group is scheduled for Friday, November 23, at the Commission's offices in Washington.

CCIR DELEGATES RETURN

During the past week nearly all the United States delegates and company representatives to the third meeting of the CCIR at Lisbon returned. Dr. J. H. Dellinger, chairman of the delegation, and most of his staff landed in New York from tbe SS Manhattan last Thursday, while J. C. McNary, NAB representative, and several others landed at the same time from the SS Saturnia.

The United States delegation was successful in many of its efforts to prevent tbe adoption of opinions by the conference wbich might not have been in complete agreement with our present practices. Our delegation had very little of a constructive nature to gain at the conference, but was vitally interested in a number of proposals which were considered by the various interests affected, as objectionable. No opinions were adopted on the subject of broadcasting which could be considered not in accord with present U. S. practices, although some of the original proposals were somewhat at variance with our position.

Among the subjects discussed, resulting in formal opinions, were single side band transmission for broadcasting, directive antennas, anti-fading antennas, frequency separation between broadcasting

channels, short-wave broadcasting channels, wave propagation curves for all frequencies including broadcasting frequencies, receiver stability and selectivity characteristics, synchronized broadcasting, and standard frequency transmission. A number of other subjects were considered and resulted in additional formal opinions thereon.

The United States representation was characterized by almost complete agreement among the several delegates and company representatives on nearly all subjects. An exception was that of single side band transmission for broadcasting, which received the unexpected support of the AT&T Co., although vigorously, and successively, opposed by the NAB.

EDUCATIONAL HEARINGS CONTINUE

General hearings on the proposal that Congress shall by statute allocate a fixed percentage of broadcast facilities to non-profit groups were resumed this week and will be continued on Monday. The hearings have been in progress since October 1, with an interruption during the period which the Commission heard testimony on applications involving the 640 kc. channel.

Briefs will be due about 15 days after the hearings are closed and copies of the NAB brief will be sent to all NAB members.

CINCINNATI MINUTES BEING PRINTED

Proceedings of the Twelfth Annual membership meeting of the NAB held at Cincinnati, Ohio, last September are now being printed. One copy will be sent to each active member of the NAB. Additional copies will cost $4.00 each.

NEW IDAHO STATION RECOMMENDED

H. E. Studebaker applied to the Federal Communications Commission for permission to erect a new broadcasting station at Lewiston, Idaho, to use 1420 kilocycles, unlimited time and 100 watts power. George H. Hill(e) in Report No. I-12, recommends that the application be granted.

The Examiner found that the applicant is qualified to construct and operate the proposed station, that there is adequate talent available, that Lewiston and its vicinity are now inadequately supplied with radio facilities, and that "no objectionable interference would be caused from the operation of the proposed station to the service areas of any radio stations now licensed."

KWKH APPEAL DENIED BY COURT

The United States Court of Appeals for the District of Columbia has handed down decisions denying two appeals filed by T. G. Roberts involving decisions made by the Federal Communications Commission in the case of Station KWKH, Shreveport, La., and WWL, of Loyola University, on the ground that he was not the proper party to bring the appeals.

Roberts filed his appeals from a decision of the Commission of July 6, this year, sustaining the motion by the International Broadcasting Corporation to dismiss protests filed by Roberts to the granting of applications of the International Broadcasting Corporation for modification to change the frequency of KWKH.

The Court, on motion of the Commission, dismissed Roberts' appeal, on the ground that he was not the proper person to bring the appeal.

SECURITIES ACT REGISTRATION

The following companies have filed registration statements with the Securities & Exchange Commission under the Securities Act:

Sigua Manganese Corporation, New York City. (2-1117, Form A1)
Acker, Merrill & Condit Company, New York City. (2-1161, Form A-1)
Tahoe Treasure Consolidated Mines. (2-1162, Form A-1)
Pathfinder Gold Producers, Inc. (2-1164, Form A-1)
Shafter Mining Company. (2-1165, Form A-1)
Delta Oil Company, Inc. (2-1166, Form A-1)
Wee Investors Royalty Company. (2-1167, Form A-1)
Chemical Service, Inc. (2-1168, Form A-1)
Whealton Company, Inc. (2-1169, Form C-1)
Whealton Company, Inc. (2-1170, Form C-1)
Whealton Company, Inc. (2-1171, Form C-1)
Whealton Company, Inc. (2-1172, Form C-1)

ASCAP FILES ANSWER TO U. S. SUIT

The American Society of Composers, Authors and Publishers, et al., on October 31 filed in the District Court of the United States for the Southern District of New York their answer to the anti-trust suit filed by the U. S. Government on August 30, 1934 (see NAB Reports, Vol. 2, No. 43). The answer in complete text follows:

Defendants American Society of Composers, Authors and Publishers (hereinafter referred to as the "Society"), and the defendants Gene Buck (sued herein as Eugene Howard Buck) and Louis Bernstein, officers and directors of said Society, and E. Claude Mills, General Manager of the Society, and the following named defendants, to wit:

A. B. C. Standard Music Pub. Co.
Belwin, Inc.
Irving Berlin, Inc.
Bibo-Lang, Inc.
Century Music Publishing Co.
L. B. Curtis
Joe Davis, Inc.
DeSylva, Brown & Henderson, Inc.
Donaldson, Douglas & Gumble, Inc.
J. Fischer & Bro.
Galaxy Music Corp.
Hatch Music Co.
R. L. Huntzinger, Inc.
Walter Jacobs, Inc.
Kay & Kay Music Pub. Corp.
Kornheiser-Schuster, Inc.
Leo Feist, Inc.
Olman Music Corp.
Photoplay Music Co.
Santly Bros., Inc.
Schroeder & Gunther, Inc.
Southern Music Pub. Co.
Robert Crawford
Walter G. Douglas
George Fischer
Lester Santly
Miller Music, Inc.
Mills Music, Inc.
Jack Mills
Shapiro, Bernstein & Co.
Louis Bernstein
Will Von Tilzer
Broadway Music Corp.
Otto Harbach
Emil Ascher, Inc.
Sherman, Clay & Co.
Alfred Music Co.
C. C. Birchard & Co.
Boston Music Co.
Ted Browne Music Co.
Harold Flammer, Inc.
Forster Music Publisher, Inc.
Milton Weil Music Co.
White-Smith Music Pub. Co.
Willis Music Co.
Clarence Williams Music Pub. Co.
B. F. Wood Music Co.
Saul Bornstein
Edgar Leslie
Paull-Pioneer Music Co.
Melrose Bros. Music Co., Inc.
Walter Donaldson
Harry Warren
Handy Bros. Music Co.
F. B. Haviland Pub. Co.
Kendis Music Corp.
Manus Music Co.
Joe Morris Music Co.
Will Rossiter
G. Schirmer, Inc.
Edgar Leslie, Inc.
Edward B. Marks Music Corp.
G. Ricordi & Co., Inc., of N. Y.
Max Winkler
McKinley Music Co.
Harry Von Tilzer Music Publishing Co.
Carl Fischer, Inc.
Jenkins Music Co.
Lorenz Publishing Co.
Rubank, Inc.
Villa Moret, Inc.
Jerome Keit
Walter Fischer
Oley Speaks
Sigmund Romberg
George W. Meyer
Skidmore Music Co., Inc.
Irving Caesar
Harry Engel
Denton & Haskins Music Publishing Co., Inc.
Gustave Schirmer
Sonneman Music Co., Inc.

who are members of said Society, reserving to themselves all rights of exception to the petition, answering thereto by Nathan Burkan, their attorney, deny that they have created a monopoly or attempted to create a monopoly, or have restrained or attempted to restrain trade or commerce, or have in any way violated the Anti-Trust Laws, and further deny that the alleged agreements complained of, or any of the alleged acts thereunder, were unlawful:

I. Deny each and every allegation contained in paragraph "3," and aver that the defendant Music Dealers Service, Inc., has no office at 619 West 54th Street, Borough of Manhattan, New York City, nor at any other place.

II. Deny each and every allegation contained in paragraph "5," except that they admit that the persons named and described therein, other than the defendant E. F. Bitner, are holding the specific offices and positions either in the Association or in the Society mentioned and described in such paragraph, but aver that none of the persons named and described in such paragraph is a director, officer, agent or servant of the Service Corporation, and has not been such since prior to the commencement of this suit.

III. Deny each and every allegation contained in paragraph "6."

IV. Deny each and every allegation contained in paragraph "7," and aver that the Society has not created a monopoly and has not attempted to create a monopoly, and has not attempted to restrain and has not restrained trade or commerce, nor has it in any way

violated the Anti-Trust Laws; that neither the alleged agreements nor any of the acts complained of were unlawful; and aver, on the contrary, that the Federal Trade Commission, the Department of Justice and various Patents committees of Congress, as well as the Federal and State Courts, have, for many years, declared by decision and other acts, that the Society was engaged in the lawful and legitimate enterprise of suppressing piracy of the incorporeal and intangible right of public performance for profit secured by its members in their musical works under the Copyright Laws of the United States, and of granting licenses for and in behalf of its members to purveyors of public amusements for profit desiring to publicly perform for profit the duly copyrighted works of its members.

V. Deny each and every allegation contained in paragraph "8," except admit that the defendant Society has its principal office in and directs its business in the Southern District of New York, and avers that the defendant Service Corporation has no office or principal place of business nor does it do any business from any place; that such corporation has ceased and discontinued its activities, business and operations and that the directors of such corporation voted to dissolve the same prior to the commencement of this suit.

VI. Deny each and every allegation contained in paragraph "9," except admit that the defendant Society, an unincorporated association, was organized on the 13th day of February, 1914, by a group consisting of ten leading composers and authors and four prominent publishers of musical compositions in the United States, for ninety-nine years from the date of its organization, for the purposes and objects defined in its articles of association and by-laws; admit that the membership of the Society at the time of the filing of the petition herein consisted of approximately one hundred and two publishers and seven hundred and seventy-eight composers and authors; that the Board of Directors of said Society consists of twenty-four persons, twelve of whom represent publisher members and twelve of whom represent composer and author members; that each director is elected to serve first, for a period of one year, and if reelected, for a period of two years, and if again reelected, for a period of three years; that the terms of office of eight members of said Board expire each year and their successors are elected annually by the remaining members of the Board; that admission to membership in the Society is by election thereto by the Board; that since November, 1921, each member upon admission must execute an agreement granting to the Society the exclusive right to license for a limited period the non-dramatic public performance of such members' musical compositions:

> Of which such member is a copyright proprietor; or
>
> Which such member, alone or jointly, or in collaboration with others, wrote, composed, published, acquired or owned; or
>
> In which such member has any right, title, interest or control whatsoever, in whole or in part; or
>
> Which may be written, composed, acquired, owned, published or copyrighted by such member alone, jointly, or in collaboration with others; or
>
> In which such member may have any right, title, interest or control whatsoever, in whole or in part—all as expressly provided in such agreements;

that the term covered by the first such membership-agreement was for a period of five years from January 1, 1921; that the second such term was for a like period of five years commencing January 1, 1926, and that the third term covered by such agreement was for a like period of five years commencing January 1, 1931, and that the present agreement between the Society and its members, a copy of which is attached to the petition and marked Exhibit "A" and expressly made a part thereof, expires on December 31st, 1935.

Further answering paragraph "9" of the petition, defendants aver that prior to 1914 it was the universal practice throughout the United States on the part of proprietors of places of public resort operated for profit (hereinafter for brevity called "users") to perform publicly for profit duly copyrighted musical works without the let, leave or license of the composers and authors (hereinafter referred to as "writers") of such works and the publishers thereof, to the great and irreparable injury, detriment and damage to such writers and publishers, and frequently in ruinous competition with the stage performances of such works, which were written or produced under an arrangement between the writers and theatrical managers and producers, and from which performances such writers derived royalties, remuneration or other direct compensation; that such writers were and are men of very modest and humble means, who relied for the support of themselves and their families solely upon the royalties derived by them from the performance of such works on the legitimate stage and from the publication of such works in sheet music form and their reproduction in the form of phonograph records and music rolls.

Throughout the length and breadth of the nation, in nearly every hotel, restaurant, motion picture theater, vaudeville theater, cabaret, dance hall and other place of public amusement, the most successful works of American authors were seized and appropriated and publicly performed for the profit of the proprietor of such establishments in violation of the copyrights of the author of such work, and in destruction of their value for use in legitimate attractions, wherever such author derived a royalty, revenue, or other compensation; that such author derived a royalty, revenue or other compensation; that such illegal performances were fugitive, fleeting and momentary and multiplied in every part of the United States, and the illegality of such performances was extremely difficult to establish and prove unless a trustworthy and responsible person located in the vicinage where such illegal performance took place was on hand to witness and hear the same and could notify the infringer of his wrongful act, coupled with a demand that he cease and desist from such further unlawful use of such work; that in order for an individual to protect his lawful rights against infringement by this means, it would have been necessary for him to maintain an inspection service at more than thirty thousand different establishments located in practically every city in the United States, which was wholly impossible; that all composers, authors and publishers, both of the United States and of other countries, were the victims of such unlawful practices. In an evening's performance, the works of many authors, composers and publishers, both American and foreign, were combined in a program and pirated.

Prior to the organization of the Society and since, it has been the uniform and invariable custom of the users to invade and infringe the rights of musical copyright owners in every case and without exception unless and until the Society, in behalf of its members, took measures to discover, report and aid in redressing infringements or, as the alternative in behalf of its members, license the legal use of their works.

After twenty years, the amusement field is honey-combed with establishments by the hundreds as yet unapprehended in their violation of the rights of composers and authors. Throughout this period of two decades since the organization of the Society, there have been less than a dozen voluntary applications for the license to publicly perform duly copyrighted musical compositions owned by members of the Society. In almost every case, with so few exceptions as to make them the proof of the rule, amusement establishments have been habitual infringers until halted by the Society.

The users were organized into trade associations whose chief objects were to resist the demands of music writers and publishers that their performing rights be recognized and respected, and to defend by the paid counsel of each such association those of their members who might be sued for piracy.

With the development of powerful, rich, and influential trade associations of users of such performing rights, the individual unorganized music writer and publisher was helpless to prevent the piracy of his works and could not obtain just, fair, and reasonable compensation for the public performance of his works by others for profit.

Under the pressure of these economic conditions a group of composers which included Victor Herbert, Irving Berlin, Silvio Hein, William Jerome, Gustav Kerker, John Golden, Glenn McDonough, Gene Buck, Ernest R. Ball, Raymond Hubbell, James Weldon Johnson, Louis A. Hirsch, Henry Blossom, and others, with a very few publishers, organized on the 13th day of February, 1914, the American Society, principally for the protection of writers and publishers of musical works against the infringement of their performing rights in their copyrighted works in all countries of the world, and for the granting of licenses for and on behalf of its members to perform for profit such works and to collect royalties for such licenses; that the membership of the Society was and is limited exclusively to and is composed entirely of composers, authors and publishers of musical works; that the royalties collected for and on behalf of the members by the Society from licenses to play the works of its members are distributed among its members exclusively in accordance with a scheme of allotment of royalties provided for in its Articles of Association.

That a part of the royalties accruing to the members of the Society collected from the users and from commercial broadcasting stations is, pursuant to the articles of association, devoted to the support and maintenance of the widows and orphans of deceased members, and of members that have become indigent, infirm, aged and decrepit, and that since the formation of the Society no author or composer of music has been buried in a pauper's grave or permitted to famish, or his family to famish, which conditions existed prior to the formation of the Society while the users were capitalizing and using his works for their unjust enrichment and advantage.

The Society does not consider its expenditures in this department as a charity to those who receive the money. In every case, they are persons, or the dependents of persons, who wrote or composed great musical works that enjoyed wide popularity and brought pleasure to the millions while affording the stock in trade of public amusement enterprises. Stephen Foster was perhaps the greatest songwriter that America ever produced. He wrote the real folk-songs of the old South. "My Old Kentucky Home," "Old Black Joe," "The Old Folks at Home" (Swanee River), "Oh! Susanna," and "Sweet Genevieve" are but a few of the songs given by him to the American people and the world. He made a tremendous contribution to the happiness of humanity. He died a pauper. He was never a member of the Society and he never received a cent from any public performance of his works, and the copyright on those works has long since expired. None the less, the Society has felt that his contribution was so real and his service so great to the users of music, even now in our day, that it has afforded financial assistance to his only living relative known to be in dire need thereof. The Society during the last years of the life of George Cooper, the only collaborator Stephen Foster ever had and who, with him, wrote "Sweet Genevieve," made him financially comfortable. Likewise, the Society today, every day, extends financial aid in the payment of life insurance premiums, the saving of homes from foreclosures of mortgages, the payment of hospital bills, the succor of the living and the burial of the dead; grants its aid to those who have written or are dependent upon the writers of successful musical works that have contributed tremendously toward the profitable operation of public amusement enterprises. None of these people ever received or ever would have received a dollar from the users and commercial broadcasters who prospered commercially because of the use of the works resulting from the creative genius of these people and their ilk through the world.

The defendant Society was organized under the necessities of the situation arising out of the new style of entertainment offered to the public. There was introduced a species of entertainment in restaurants, hotels, inns, and other public resorts, which was advertised as an inducement to the public to patronize these places under the names of "cabarets," "tea dansante," "after-theatre revues," "midnight revues," "dinner dancing," "dinner and music" and similar slogans to acquaint the public with the fact that a musical program was the distinctive feature and main attraction of the establishment. While no special admission fee was charged for these entertainments, it was expected that those who patronized them would purchase food and drink. In some establishments "couvert" or other charges were added to the patron's check. The patrons paid for the entertainment by a direct or indirect charge, and the entertainment was given for direct or indirect profit.

The cabaret or revue entertainment consisted of the rendition of music and the singing of songs and dancing to the accompaniment of music. In some of the establishments, the performances were given in make-up and costume, and on a platform or stage. The entertainment was advertised in the daily newspapers in the same manner, mode and means as regular legitimate attractions playing at first-class theatres, which paid the authors and composers a licensee fee or royalty for the use of the authors' and composers' works.

In its most developed form, the cabaret or revue is a regular show, with appropriate intermissions indicated by a suspension of action instead of lowering a curtain.

Cabaret, motion picture and vaudeville shows and revues were presented in nearly every city in the United States, the dominant, distinctive, and principal features of each such entertainment being the vocal and instrumental numbers of the current grand and comic operas, musical plays, as well as standard and popular compositions.

A leading and attractive feature of the larger hotels in the United States was the orchestra and the musical and dance programs.

Dance halls which relied entirely for their operations upon music sprang up like mushrooms in every part of the United States. A direct admission fee was made at the door of these dance halls; in some instances there was a hatcheck, in others, a specific charge of so much per dance.

Motion pictures were coming into prominence as a form of entertainment, and theatres devoted exclusively to the showing of motion pictures were erected in every city and town and village in the United States, and, of course, music and musical attractions played a very important part in such class of entertainment.

All these places of public entertainment were dependent almost entirely for their success upon the songs and instrumental numbers of the composers, authors and publishers. But no proprietor expressed a willingness to, nor did he pay a fee, royalty, or other compensation to the owners of the works. On the contrary, proprietors of these resorts helped themselves to the current works without the leave or license of the copyright proprietors, completely ignored them and their statutory rights in their property, upon the ground that musical performances given by them were not for profit, because they were given without direct admission fee, or that music was merely incidental to the operation of the premises, and for that reason the performances were not subject to the control of the copyright proprietor.

The writers and publishers realized that their works were capitalized by other and were used for profit, and not only that, but in some instances the performances were in direct competition with those given by legitimate theatrical managers who did pay performing royalties to the writers whose works were used. The creators of these works justly felt that they were entitled to participate and share in a modest way in the profits and revenues made possible by the exploitation of their works.

A single writer or publisher was helpless in dealing with these infringers for the following reasons:

As an individual he could not protect his rights as against the tremendous commercial enterprises who would appropriate it to their use without any compensation to him.

The several groups of users of music were organized in trade associations and were prepared to use the resources of their organizations in resisting the effort of any individual composer to enforce his performing rights, while the composers and publishers were mostly men of humble and moderate means who were not able, singly, to bear the expense of ascertaining and investigating the piracies of protracted and numerous litigations.

Moreover, the use made of copyrighted music in these places was in the form of musical programs in which the works of a number of composers were combined.

The performances as a rule were ephemeral, fleeting, and fugitive, and unless the infringement was detected and established the moment it occurred, proof thereof was well-nigh impossible.

A single entertainment amounted to a composite infringement of a number of compositions of several composers. In the course of a year, the proprietor of a single establishment would violate the rights of hundreds of composers and copyright proprietors, and each of these was a victim of a number of piracies.

Piracies were committed in numerous establishments and in various parts of the United States, and the expense of locating and securing evidence of the piracies was prohibitive for the individual writer or publisher. Separate actions for each act of piracy would involve a multiplicity of litigations.

The piratical practice, having in this way a collective effect, collective and protective action by the writers and publishers was natural and necessary.

There was this further element to urge organized action. The practice grew in leaps and bounds. The resorts where musical works were performed extended to every city and to every part of every city. Motion picture theatres added musical programs to their performances, and their number grew so fast that in a few years the industry connected with motion picture shows became one of the largest industries in the United States, in fact there were some 2,800 theatres in operation by 1921. At the present time there are over 15,000 such theatres.

In many motion picture theatres vaudeville has been displaced by a form of musical and dramatico-musical presentation that runs in competition with legitimate productions. The stage performance often takes an entire hour and such stage performance is advertised in many instances as the main attraction at such motion picture theatres. Indeed, many patrons of motion picture theatres attend merely for the musical presentation.

The box office receipts of some of these theatres has averaged over $100,000 for a single week.

In addition to the competition which these motion picture theatres have set up as against legitimate performances, many regular theatres have been converted into co-called cabarets or night clubs, giving regular ambitious stage performances in the same manner as, and in competition with, legitimate theatres.

In view of the multitude of places where his rights were being infringed, it was impossible for an individual composer to ascertain and prosecute even a small number of the piracies.

Without the collective action of at least a certain number of writers and copyright proprietors, the performing rights secured by the copyright law remained without effective protection. It became evident that unless composers and copyright proprietors organzed in sufficient number to provide mutual aid and the necessary funds for the protection of their rights against an army of pirates, most of whom were banded together in trade associations for the express purpose of making piracy a safe practice, all the

rights granted by the law to copyright proprietors would be nullified.

Furtbermore, an organization of the composers, authors, and copyrigbt proprietors was necessary to meet the needs of tbose establisbments which, discovering tbat tbe intervention of the Society made piracy an unsafe practice were willing to pay compensation for the use of tbe works.

No place of public amusement could carry on its musical entertainment by confining its program exclusively to the works of a single composer. Programs had to be attractive, pleasing, international and diversified, and to present the current songs and instrumental numbers that were in vogue or were tbe reigning "hits" of the day—tbose tbat had received popular acclaim, or appealed to the wbims, taste and fancy of tbeir patrons.

A dance hall required an average of 81 tunes for its nigbtly program and tbe otber places of public entertainment from 15 to 35 separate and distinct numbers of different composers. In other words, tbe program, to be entertaining, had to be composite.

Another element wbicb made the organization necessary was the hardsbip and inconvenience tbat would be imposed upon users and commercial broadcasters in their efforts to secure the consent of tbese writers and proprietors wbose works they wisbed to include in tbeir programs. Writers and publishers were scattered throughout tbe United States and in foreign countries. There would be certain difficulties in locating tbe proprietors of sucb works. Then there would be the endless haggling and bartering over the amount of royalty or license fee payable for a number or group of numbers. All sorts of factors would bave to be taken into consideration in fixing a reasonable royalty. Tbere was also the question of time in carrying on and conducting negotiations. It was obvious tbat it was to the advantage of resort proprietors, writers, and owners of musical works that a large group or body of writers and copyrigbt owners should have an organization to represent tbem as a unit in dealing witb users located in various parts of the United States, particularly when the users would eventually bargain for tbe rigbts collectively througb their respective trade associations.

Tbe value, botb to the author, composer and publisher, as well as to tbe users and commercial broadcasters, of sucb an organization was proven by the experience abroad. Similar societies had been organized and were functioning in England, France, Italy, Austria, and Germany.

In France, in January, 1851, there was organized a society known as "Societe des Auteurs, Compositeurs et Editeurs de Musiques," the purpose of wbicb was to protect composers, authors, and publisbers of musical works against piracies of any kind, and to grant licenses and collect royalties for the public performance of the works of its members. That society conducted its operations and activities to the mutual advantage of all parties interested, and said French society served as the model for the defendant Society.

Under tbe scbeme of organization of the Society, the publisber did not and does not now enjoy any right in tbe work superior to tbat of tbe composer and/or author thereof, in so far as the Society is concerned. The writer and the publisher shared and now sbare equally in tbe royalties or license fees derived from tbe exploitation of tbe performing rights.

From the outset tbe users of copyrighted music refused to recognize tbe society or its demands. Tbe national, state, and city associations representing tbe users of copyrigbted music informed the society tbat tbey would and did actually resist to tbe utmost any attempt to prevent tbeir members from using copyrigbted songs belonging to members of tbe society, and that they would under no circumstances permit any of tbeir members to take out licenses from the society or treat witb it in any way.

The activities of tbe society were but sbort-lived and they came to a dead stop in the winter of 1915, with the handing down of the decision in the case of Jobn Church Co. v. Hilliard Hotel Co. (221 Fed. 229). It was tbere beld tbat tbe playing of copyrigbted musical numbers in a botel dining room where no direct admission fee was made for the performance was not an infringement of the copyright.

Tbe suit was defended by the Hotel Men's Association, through its paid counsel.

This sweeping victory heartened the users and more than ever proved the necessity for an organization sucb as tbe defendant society.

Victor Herbert, a distinguished American composer, bad written, in collaboration with others, an operetta entitled "Sweethearts," under a royalty agreement with a firm of theatrical managers of approximately 6 per cent of tbe gross receipts—3 per cent for Victor Herbert and the balance for the book and tbe libretto writers. The play was produced at tbe Liberty Theatre, Forty-second Street near Broadway, in New York City, with an expensive cast and chorus, and appropriate scenic investiture running up into many thousands of dollars. Shanley's Restaurant, located at Broadway and Forty-fourth Street, in New York City, was an outstanding rendezvous for New York nigbt life. It presented nightly a cabaret entertainment, tbe leading feature of wbich was the musical number "Sweethearts" which had proven itself tbe success and hit number of Herbert's operetta.

The number was performed in this cabaret on a stage by actors in make-up and costume, accompanied by an orchestra, and in all respects was competitive with that given in the Liberty Theatre.

As similar infringements were taking place in otber cabaret and similar shows in tbe United States, and as the successful numbers of various legitimate attractions were tbus sung, danced to, and featured in cabaret entertainments, the society determined to protect Herbert's property, in accordance with its articles of association.

Thereupon, on the 14th day of April, 1915, the society's counsel commenced an action on bebalf of Victor Herbert in the United States District Court, Southern District of New York, against the Shanley Company. The bill was dismissed (222 Fed. 344), and the dismissal was affirmed by the Circuit Court of Appeals (Second Circuit), (229 Fed. 340), but it was reversed by tbe Supreme Court of the United States on tbe 22d day of January, 1917 (Herbert v. Sbanley Co., 242 U. S. 591). The expense of tbis suit was borne by all the members of the Society. Herbert alone could not have carried it to a successful conclusion.

The natural effect of tbe decisions of the district court and circuit court of appeals was to encourage and stimulate the users to make every conceivable use of musical works of composers and publisbers.

Shortly after the Supreme Court's decision in Herbert v. Sbanley representatives of tbe New York City Hotel Men's Association (comprising practically all the New York hotels) bad a conference with representatives of the Society, with a view of arranging for a scbedule of rates to be paid by tbe hotels for tbe privilege of playing tbe numbers of the members of the society. Tbe rates proposed by the hotel men themselves were then and there accepted by the society.

The botel men's association, in 1924, at the Senate Committee hearings on the bill to exempt radio broadcasting from copyright (Senate bill, 2600), indorsed the reasonableness of tbe rates cbarged by the Society and the fairness of its policy.

The motion picture theatre proprietors through their trade associations refused to accept the decision in Herbert v. Shanley as applicable to the playing of copyrighted music in motion picture theatres. They declared that no direct admission fee was charged for hearing the music; that the music was incidental to the entertainment.

The Motion Picture Exhibitors League of America, a trade association of motion picture exhibitors, adopted a resolution as follows:

"That the organization undertake the legal defense of any exhibitor against whom infringement action is brought by the American Society of Composers, Authors, and Publishers, to apply to non-members as well as members."

This organization was prepared to defend not only infringement committed in its own ranks, but by outsiders. A defense fund was raised by such exhibitors for such purposes, and every exhibitor was asked to contribute $3.00 witb wbicb to defend tbe infringers.

The challenge of the Motion Picture Exhibitors League was accepted by the Society and its counsel brought a test suit against a member of that organization, i. e., Raymond Hubbell, a composer, against Royal Pastime Amusement Co., a motion picture exhibitor, for playing Mr. Hubbell's song, "Poor Butterfly," the feature hit of the current New York Hippodrome production, from which Hubbell had been deriving a performing royalty.

Judge Mayer, in a decision rendered May 31, 1917, 242 Fed. 1002, held that the copyright law applied to motion picture theatres.

The Motion Picture Exhibitors League retaliated by bringing an action at its own cost and expense and witb tbe aid of counsel supplied by it, in tbe name of one of its members, the One hundred and seventy-fourth Street and St. Nicbolas Amusement Co., against George Maxwell, as president of the Society, and its directors, to restrain the Society from conducting its operations, carrying on its activities, from acting in concert to suppress piracy and from using the funds of the defendant's Society in furtherance of its objects, and enjoining its officers and directors from meeting for any purpose to act in combination or concert, upon the ground that the defendants were a monopoly in restraint of trade.

The decision of Judge Goff, in that case, rendered on April 4, 1918, is as follows (169 N. Y. Supp. 895):

"After considering the arguments of counsel and their briefs, I am of the opinion that the defendant association is exercising only its lawful rights. It existed before the incorporation of the plaintiff and was engaged in the same general work before the plaintiff's existence. The association is formed for lawful purposes, and I find no exercise of any coercion. The institution of legal actions by individual members of the association for violation of copyright is justified for the protection of income from their music. Plaintiff wishes to use the product of the author's labor, ignoring copyright, free of any charge whatever, except the actual purchase price of the printed musical score. *There is no restraint of trade through any act of the association.* Plaintiff may use any music not the property of the members of the association without objection by the association. The only restraint on plaintiff is the possible right of the authors or owners of such music to prevent its use. The moving picture exhibitors have spent thousands of dollars advertising music which may be used by orchestras, irrespective of the wishes of the defendant association, or its individual members. The fact that the music of the authors who are members of the association is popular and in demand presents just so much more reason why it should be protected, and its unauthorized use at public entertainment given for profit prevented. Practically the exhibitors of moving pictures seek to obtain by injunction the right to publicly perform copyrighted musical compositions for profit, without a consent of the holder of copyright, and without compensation to him."

On May 24, 1917, a schedule of rates for motion picture houses was established by the Society.

At the time this schedule of rates was adopted the Motion Picture Exhibitors' League refused to treat with the Society or recognize it in any way, and it refused to treat with the members individually. There was not the slightest hint as to what amount the exhibitors' league and its members would consider a reasonable license fee. There was no fee that they deemed reasonable. The exhibitors did not propose to pay any fee. They wanted to use the works of the members of the defendants' society without any pay and without asking permission of the copyright proprietors. The situation then existing now applies to the case of every user of copyrighted music who prefers to be an infringer rather than a licensee of the copyright proprietors. The average rate was on the basis of 10 cents per seat per year.

In March, 1917, the Society launched a campaign to suppress piracies in Newark, Lakewood, and Atlantic City in New Jersey. A very brief experience made it obvious that it was almost impossible to handle the piracies from the New York office. Letters sent from the New York office to places known to give piratical performances were ignored.

When New York representatives called upon these places to protest against the infringing performances, proprietors of such establishments refused even to see them, much less talk about the infringements. Trade associations with which such infringers were affiliated were appealed to, and endeavors were made to negotiate with such associations upon a basis of license fees satisfactory to such trade associations. They too refused to recognize the society or to respect the rights of the property of the defendant's members. In some instances where members of trade associations were willing to negotiate with the society or its members for licenses, the rules promulgated by such associations prohibited any individual members of its association, under penalty of expulsion, from negotiating directly with or accepting licenses from the defendants' society.

The infringements stubbornly persisted, notwithstanding the several decisions of the court in favor of the society. Not the slightest attention was paid to the activities of the home office, with the result that practically no licenses were issued outside of the city of New York. As the infringements were encouraged by the activities of the trade associations and defended by local counsel representing each trade association in the locality where the infringement occurred, the society could only assert its rights effectively by in like manner engaging local counsel to prosecute the infringers. As the society proceeded in new territory to enforce its rights, a lawyer in that territory had to be engaged. The necessity of the situation compelled the engagement of attorneys residing in the territory where the infringements were the thickest.

On or about January 1, 1921, the members of the Society agreed that it was advisable to vest in the Society a continuous and irrevocable right and power for a period of five years, commencing on January 1, 1921, and ending January 1, 1926, to control the non-dramatic performing rights of the members and to prosecute and defend all actions involving such rights in the names of the members, and the articles of association were duly amended by providing for the execution and delivery by every new member of an assignment to the Society, vesting in it such right and power for such period, and at the same time, all those who were then members executed and delivered to the Society a similar assignment; that by such assignments, it was intended, among other things, to prevent infringers from asserting that an agent or servant of the record holder of the copyright infringed had either expressly or impliedly assented to the performance complained of; such assignments were also intended to enable the Society to establish in any action or proceeding the right and authority of the Society to institute and conduct such actions or proceedings in the names of the members. That this was brought about because the users of copyrighted music in the United States attempted by trick, artifice and device, in the event law suits for infringement were instituted, to defend on the basis of an alleged assent, express or implied on the part of an agent or employee of the record holder of the copyright. That for some time prior to January 1, 1921, the Society had been vested with, and exercised, the rights and powers mentioned in said assignments, and said assignments were not intended to, and did not, in fact, establish a new policy, except that they provided for the continuance of such rights and powers during said period of five years, and made such powers irrevocable during said period. That said assignments did not restrict, or in any manner affect, the rights of purchasers of copies of musical works; that under the copyright laws, the sale or conveyance, by gift or otherwise, of a copy of a copyrighted work, does not transfer to the purchaser or donee the copyright or any right secured by the copyright in such work; that the purchaser of any copy of a musical composition did not, either before or after the dates of said assignments, and does not now, acquire the right to publicly perform the composition for profit.

The Motion Picture Exhibitors League of America was succeeded by the Motion Picture Theatre Owners of America. The Motion Picture Theatre Owners of America is a national organization made up of State organizations with a membership of approximately twelve hundred motion picture theatre owners. This organization waged a bitter and relentless warfare against the Society and its members. In 1922 that organization filed a complaint against the Society with the Federal Trade Commission, charging it with operating in restraint of trade. The Federal Trade Commission investigated the complaint and dismissed it in an opinion as follows:

"FEDERAL TRADE COMMISSION,
"Washington, January 2, 1923.

"Mr. Sydney S. Cohen,
"President Motion Picture
"Theater Owners of America,
"New York City.

"Dear Mr. Cohen: Your letter of the 14th instant, addressed to the secretary of the commission, making application on behalf of the Motion Picture Theater Owners of America against the American Society of Composers, Authors, and Publishers on account of alleged violation of the law against unfair methods of competition by the imposition of a tax or royalty on motion picture theaters for the right to play the copyrighted music of its members, has been considered.

"We have carefully considered the facts, as stated by you, and examined the decision of the courts applicable thereto, with the result that it has been concluded that the case is not one calling for the exercise of the commission's corrective powers. The chief reason for this conclusion may be stated as the fact that the making of a claim for royalties, apparently in good faith, can not be said to constitute 'an unfair method of competition in commerce'; it can not be said to be unfair in the sense in which the word is used in the commission's organic act, but is merely an assertion of a supposed legal right which is fully determinable by the courts; and it is not a 'method of competition' because the parties to the controversy are not in any way competing with each other.

"It is regretted that we are unable to aid you in this instance.

"Very truly yours,
"FEDERAL TRADE COMMISSION,
"Millard F. Hudson,
"Chief Examiner."

Trade associations of users and commercial broadcasters filed a complaint against the Society with the Department of Justice, and that Department, on August 6, 1926, disposed of the charges in an opinion by the Attorney General, reading as follows:

"As the result of a large number of complaints which were received by the Department of Justice with reference to the so-called music tax collected by the American Society of Composers, Authors and Publishers from the owners of motion picture houses and of other public places of entertainment where popular music is played, a thorough and comprehensive investigation was made of the organization and operations of that Society. Several special agents of the Bureau of Investigation were engaged in that investigation and it was conducted almost continuously for a period of about two years.

"After all the facts elicited by the Department's investigation and also the facts and arguments submitted both by the various complainants against the American Society and by the representatives of the American Society, had been very carefully considered by the Department, the Society has been advised that the Department saw no reason for proceeding against it under the Anti-Trust Laws on account of its operations in collecting licenses for the public performance of copyrighted music from the owners of motion picture houses, of hotels, of dance halls and of similar places where copyrighted music is publicly performed for profit.

"It was found that the rights conferred under the Copyright Act by Congress on the owners of copyrighted music had repeatedly been held by the Federal Courts to be violated by the unlicensed performance of such music, in amusement where the performance of the music constituted at least part of the public entertainment from which the owner of the place of amusement derived profit through the charges made to his patrons.

"The only question for consideration by the Department, therefore, was whether the operations of the American Society in receiving assignments from its members of the rights to the public performance of their copyrighted music and the issuance by the Society to many places of amusement, throughout the country, of the right to publicly perform for profit all the copyrighted music of its members constituted a combination which restrained trade and commerce within the prohibitions of the Sherman Act.

"It was found, however, that the American Society has nothing whatsoever to do with the published music or with any physical objects which enter into the course of interstate commerce, and that it has been held repeatedly by the Courts that acts similar to the granting of licenses for the local performance of music in a place of amusement do not constitute interstate commerce, even when the contracts are entered into in a different state from that where the performance may take place.

"No decision has been reached in reference to the licensing of radio broadcasting stations because of the unsettled state of the law relating to radio and the possibilities of legislation by Congress at the next session."

The Motion Picture Theatre Owners of America established a music department, which was open to its exhibitor members, who were informed by its president that:

"We are assured at this writing of sufficient tax-free classical, orchestral, standard, and popular music to meet any and all demands and we desire to extend to you the cooperation in this regard of our music department."

A report made by the president of the Motion Picture Theatre Owners of America to the annual convention of the association, read as follows:

"To relieve the Theatre Owners of the country from the exactions of the American Society of Composers, Authors and Publishers in the imposition of an unfair music license fee or tax for the playing of copyright productions, an amendment was proposed to the Copyright laws through a bill introduced in the last session of Congress by Congressman Florian Lampert, of Wisconsin.

"Every possible effort was made by your National Organization and the state and regional bodies to bring about a favorable line of action on this bill.

"In the next Congress, we are promised definite relief along this line and we propose to handle it then in the same expeditious manner in which your National Organization brought about the repeal of the 5 per cent Film Rental Tax.

"In this relation there are several test cases in different parts of the country bearing upon the Music Tax situation to be decided. We believe the matter has never yet been definitely presented to the courts in such a way as to properly conserve the welfare of the Theatre Owners.

"A department of Music was established at National Heaquarters following the Washington convention and association effected with different music publishers, which has enabled Theatre Owners to secure a liberal supply of tax-free music to meet the needs of their theatres.

"We have also the cooperation of the Radio Broadcasters Association, Hotel, Restaurant and Dancing Master Associations, and can, when the occasion requires it, use our screens, our theatre programs and a portion of the space taken by theatre owners for advertising in newspapers to bring our side of this issue squarely before the public."

The Motion Picture Theatre Owners of Kansas and Missouri, at their annual convention held on or about the 27th or 28th of March, 1922, engaged attorneys, in Missouri and Kansas, to defend and appear for exhibitors charged with infringement of the copyrights of the Society's members. In a speech before that convention, one of the counsel for such association urged that no one pay the license fees and pledged his every effort "to go clear to the finish." The president of that association stated in the convention:

"I just want to say in regard to the music tax that when every State in the Union is paying . . . Kansas is not paying, does not intend to pay, and will not pay . . . and will teach the music tax people that we 'have millions for defense but not one cent for tribute.'"

The members of this association brazenly and defiantly violated the rights of the Society's members and infringed their copyrights. Eleven suits were commenced in Western Missouri against the infringers and were bitterly contested by the attorney for such association. A judgment was rendered thereafter in favor of the Society.

At a meeting of the motion picture theatre owners of Eastern Pennsylvania, Southern New Jersey, and Delaware, its secretary and counsel urged all exhibitors within the radius of 50 miles of Philadelphia not to pay any music royalties, and declared that the organization would defend any action brought by the Society against the organization's members in that district. Acting upon these instructions, the members of that association gave public performances for profit of the music of the members of the Society. Sixty-five suits were commenced in the Eastern District of Pennsylvania. These suits were defended by the counsel for the exhibitors' organization. Thirty-nine were tried before a special master and decrees were recommended in favor of the plaintiffs in those cases.

In the States of Ohio, South Carolina, Connecticut, and Massachusetts, exhibitor members of State organizations of the Motion Picture Theatre Owners of America gave performances of the musical numbers of the Society without the leave or license of the Society. Suits were commenced against the infringers and invariably those suits were defended by the counsel for the State associations. The secretary and counsel of the Motion Picture Theatre Owners of America appeared not only in the Pennsylvania cases, but also in the South Carolina cases, and the answer prepared by him was used in the Connecticut cases. Defense funds were raised by voluntary contributions by exhibitors, to resist and oppose to the bitter end the efforts of the Society to suppress piracy.

In New York, the president of the Motion Picture Theatre Owners of America, in his own theatre, gave infringing performances, and 22 actions were brought against him in the District Court of the United States for the Southern District of New York, and the identical answer interposed in the other suits was interposed in the suits against such president.

The Motion Picture Theatre Owners of America and its several State associations and the members thereof were unwilling to treat with the Society as a whole or with the members thereof. They did not seek to secure a license from any individual member of the Society or the composition of any individual composer. Their attitude has been that they were entitled to the free and unrestricted use of the copyrighted music without the leave or license of the copyright proprietors, and by collective and united action they were prepared to resist the demands of the Society to the utmost. Under such circumstances, the existence of the Society justified itself.

The Motion Picture Theatre Owners of America caused to be introduced a bill in the House of Representatives, providing for the repeal of the musical performing rights provisions of the copyright act. Resolutions were passed by the National Association of Motion Picture Theatre Owners and the various State organizations, asking all exhibitors to write to the Senators and Congressmen from their respective States to vote for such repeal. Contributions were solicited from all exhibitors to provide a fund for propaganda purposes to secure the repeal of the law and such funds were actually collected.

During September and October of this year, the several trade associations and chains of motion picture exhibitors combined to form a united front for the purpose of defeating the right of composers, authors and publishers to a reasonable royalty for the use of their works in performances by means of motion pictures.

The following trade associations were represented in this united front:

Motion Picture Theatre Owners of Eastern Pennsylvania, Southern New Jersey, and Delaware;
Motion Picture Theatre Owners Association;
Motion Picture Theatre Owners of North and South Carolina;
Independent Theatre Owners of Southern California;
Main Exhibitors;
Exhibitors Emergency Committee;
Independent Theatre Owners Association;
Theatre Owners Chamber of Commerce;
Nebraska-Iowa Exhibitors;
Allied State Associations;
Independent Exhibitors Protective Association of Philadelphia;
Southeastern Theatre Owners;
Gulf State Theatre Owners;
Motion Picture Theatre Owners of Maryland;
Allied Theatre Owners of Texas;
Motion Picture Theatre Owners of Buffalo;
Independent Theatre Owners of New York;
Independent Theatre Owners of Northern California;
Motion Picture Theatre Owners of Virginia;
Allied Theatre Owners of New York;
Allied Theatre Owners of Michigan;
Allied Theatre Owners of New Jersey;
Independent Theatre Owners Association of Atlanta.

The Motion Picture Theatre Owners Association agreed to contribute to a fund to be collected by the Exhibitors Emergency Committee which they called the "War Chest" for the purpose of bringing suits to dissolve the Society and for the purpose of opposing the Society, and they agreed to issue questionnaires to every Senator and Congressman to get them committed to the fact that they would favor repeal of the law which secures performance rights to members of the Society.

Each theatre was taxed one cent for each seat, and it was estimated that the "War Chest" secured in this manner would net at least $60,000 with which to combat the Society and to destroy the members' public performing rights. The theatre chains actually contributed a very large sum for this purpose.

They proposed to engage in lobbying on a large scale for Congressional action and to engage one hundred contact men for the purpose of inducing Senators and Congressmen to act in favor of the united front and in opposition to the interests of the Society and its members.

During all this time, the rights of the members of the Society were invaded, and the infringers were protected and defended by the State and local associations of motion picture theatre owners.

The Society published a paid advertisement in the motion picture trade papers in the form of an open letter to the officers and members of the Motion Picture Theatre Owners of America, exhibitors organizations, chambers of commerce, etc., inviting such organizations to a conference for the purpose of reaching an honorable understanding and recognition of each other's lawful rights.

A conference was held at Minneapolis between the representatives of the Society and a committee representing an exhibitors' association of Minnesota and South Dakota, and then and there the committee on behalf of three hundred exhibitors agreed to take out licenses from the Society for each of its members at rates varying from $5.00 per theatre per annum to ten cents per seat per annum in certain other theatres, the rates being adjusted at a joint conference according to the general business condition of the cities in which the theatres were located.

Subsequently, a similar conference was held with a committee representing an exhibitors' association of North Carolina, at Charlotte, North Carolina, where a like procedure was observed. At that conference with that committee, the representatives of the Society agreed upon the rates which should prevail for licenses to be issued to every motion picture theatre in the territory represented by the exhibitors' organization. The rates were mutually agreed upon and as a result of the conference, the exhibitors' organization recommended to each and every of its members that they proceed to take out the licenses at the rates agreed upon.

Further instances of collective bargaining between the Society and other groups of resort proprietors is evidenced by the negotiations and the consummation of negotiations with the Society and the New England Hotel Association, the Atlantic City Hotel Association, the New York Hotel Association, and the Dance Hall Proprietors Association, and the Society of Restauranteurs, the Motion Picture Theatre Owners of Michigan, and the Motion Picture Theatre Owners of Virginia.

The latest instance of this collective bargaining as between the Society on the one hand and a group representing a great industry on the other was conducted with the Exhibitors' Emergency Committee representing some twelve thousand motion picture theatres in the United States. It was held on October 1, 1934, and an agreement, with the terms of which the committee expressed itself as entirely pleased and which represented a substantial compromise by both sides, was reached. During the course of that conference, it was freely and unanimously stated by the members of the committee that the exhibitors of America would be confronted with a tremendously difficult and apparently insoluble problem in connection with the use of copyrighted musical works were the Society to be dissolved. In every instance where a user of music in public performances for profit has been confronted with a question as to whether his operations are more convenient and economical under the existence of the Society than they would be if the user were required to deal with the individual copyright owners, the answer has been to the effect that by all means and under all circumstances the continuance of the Society was most to be desired.

The Motion Picture Exhibitors' League of America created a so-called "tax free music bureau." It engaged the services of a leading music publisher to operate the bureau. It invited the submission of manuscripts by authors and composers everywhere. It published a great number of compositions and circulated them freely to the theatres and declared its purpose to create a library of music sufficient for the use of the theatres so that they would not need to secure any license from any copyright owners other than those represented by the bureau. But in every case they secured from the composers and authors submitting works, contracts definitely and perpetually assigning to the bureau all of the performing rights in such works.

At its convention held at St. Louis, Missouri, early in 1933, the National Association of Broadcasters, an association composed of practically all the broadcasters of the United States, authorized the organization of a similar bureau, to be known as the Radio Program Foundation. The declared purpose of the Radio Program Foundation was "to create a music supply sufficiently large to allow all stations to forego their contracts with ASCAP (Society)." Soon after its organization, the Radio Program Foundation acquired control in the United States of the performing rights for broadcasting of the catalog of Ricordi & Company, including some 123,000 musical compositions of all kinds. It also secured broadcast performing rights from the owners of various domestic musical catalogs.

The experiences of the users no less than the creators of musical works, shows the only practicable method of licensing and securing licenses covering the use of copyrighted music in public performances for profit is by means of an organization of composers, authors and publishers, all of whose copyrights the prospective licensee may use and through which organization the copyright owner may have his rights protected and represented. No other method of operation is practicable.

In about the year 1922, another form of invasion of the rights of writers of musical works came into prominence—radio broadcasting. Radio broadcasting for public entertainment purposes was first introduced in 1921. At the close of that year there were in the entire world about five broadcasting stations more or less regularly transmitting programs of entertainment. Within a year there were five hundred and seventy-six radio broadcasting stations installed, equipped and in operation in the United States alone. The stations were licensed by the Department of Commerce, Bureau of Navigation.

The most distinctive, attractive and prominent feature of the daily and nightly programs broadcast was music, and particularly, the musical "hits" of the day. Radio took a sensational hold of the people. The radio audience pays partially for what it hears through paying for its radio equipment and in purchasing of radio parts. The rendition of songs in the studio is for the purpose of "public performance for profit." That profit has been received by the radio manufacturers who could not easily dispose of their receiving sets unless the purchasers expected to hear something of their liking through them.

The members of the Society, whose sheet music and mechanical royalties have been cut to a fraction of their former total, by reason of radio invasion believed that they should be paid for holding the auditors' attention. In many instances, the broadcasting is done for advertising purposes, to introduce a manufacturer's product into the market, to popularize and create a demand therefor, and to promote the sales of radio receiving apparatus and other radio accessories; to introduce the broadcaster and sponsors of commercial programs and their products to the public in order to get certain advertising, good will, and celebrity from such broadcasting.

The Society viewed with great concern the actions and attitude of the broadcasters in giving or causing to be given performance of the works of its members, without regard to the rights of the creators of such works.

The Society adopted on March 1, 1923, amendments to the articles and by-laws of the Society, as follows:

"(g) To grant licenses and collect royalties for the public representation of the works of its members by instrumentalists, singers, mechanical instruments, *radio broadcasting stations,* or any kind of combination of singers, instrumentalists, and mechanical instruments, and to allot and distribute such royalties." (Section 1, subd. G, Article I.)

The broadcasters, like the hotel men and the motion picture theatre men, were organized into an association under the name of The National Association of Broadcasters. That association issued a proclamation, reading as follows:

"To publishers of dance, jazz, blue, and popular music:

"The members of this association maintain that they will not pay for licenses from any copyright owner or recognize the right to collect any tax until the law plainly states that such payment must be legally collected."

The radio broadcasters took the position that performances given in their studios were not public performances for profit. Printed communications as well as word-of-mouth declarations were issued expressing the intention to broadcast performances of copyrighted musical works, whether or not the proprietors of such works be members of the Society.

The challenge of the broadcasters was accepted by the Society and a suit was brought in behalf of a member, M. Witmark & Sons, against Bamberger & Co., in the United States District Court of New Jersey, to restrain a department store dealing in radio products from broadcasting the plaintiff's copyrighted music. Judge Lynch in that case held that radio broadcasting was a public performance for profit (291 Fed. 776).

Thereupon the National Association of Broadcasters issued a circular letter reading, among other things, as follows:

"AMERICAN SOCIETY WINS AGAINST WOR.

(Being the broadcasting station operated by Bamberger.)

"This decision justifies the position taken by this association from its inception:

"1. That our efforts be directed toward a revision of the copyright act rather than any contest in the courts under the present ambiguous law.

"2. That because of the proven value of broadcasting in creating sales of sheet music, phonograph records, and piano-player rolls (now admitted by Judge Lynch in his decision) it is unreasonable for any musical copyright owner to demand payment for use.

"3. That the American Society of Composers, Authors, and Publishers controls but a small percentage of the copyrights recorded in Washington, and therefore are in no position to make any concerted demand.

"4. That our bureau of music release furnishes weekly (for use by members only) good, new, copyrighted, popular music without the payment of any fee or tax.

"With our rapidly growing membership and the strength which comes from numbers, the future of the broadcasting art becomes clearer."

The National Association of Broadcasters thereupon launched a very vigorous campaign of attack against the Society. A number of conferences were called to which were invited associations of motion picture theatre proprietors, hotel, dance hall, ball room, and other places of public amusement proprietors, as well as broadcasters and various trade associations to join with them, for the purpose of taking united action to prevent the Society from continuing its activities; to defend actions brought by the Society on behalf of its members to suppress infringements; to effectuate a dissolution of the Society; introduce and press legislation to repeal the musical performing rights provision of the copyright act, and to otherwise hinder and obstruct the Society from protecting the rights of property of its members.

It was not a question as to the reasonableness of a license fee or royalty for the privilege of performing copyrighted music. The broadcasters refused to recognize the right of a copyright proprietor to control the performance of his works for broadcasting purposes.

Assessments were levied upon the various members of the National Association of Broadcasters, and sums of money were subscribed by and collected from broadcasters, motion picture theatre owners, hotels, restaurants, cabarets, and dance hall proprietors, as well as from trade associations, to carry on and to wage a warfare, legislative and legal, against the Society.

The Illinois Motion Picture Theatre Owners and the Chicago Exhibitors Association, meeting in executive session, unanimously voted to associate with the National Association of Broadcasters in its fight against the Society. The Chicago organization voted to subscribe at least $10.00 a house toward the fund necessary for fighting the Society.

The Association of Broadcasters' plan of battle developed three points of attack on the Society: First, the refusal to recognize the right of any copyright proprietor to control the performing rights of his works for broadcasting purposes; second, to secure a change in the copyright law which would deprive the copyright proprietor of all control over the performing rights of his works, and thus end the activities of the Society; and third, to disintegrate the Society by inducing its members to resign therefrom and to effect its dissolution.

The broadcasters' association developed a working plan which provided radio stations with a plentiful supply of music in respect to which no license fee was claimed, and the broadcasters' association planned to extend the service of this bureau to picture theatres and to other purveyors of entertainment.

The broadcasters' association announced that the bureau controlled the performing rights of 3,000 musical compositions which were free of royalty.

In order to give motion picture theatres the advantage of the music privileges of the broadcasters' association, it formed a class B associate membership and motion picture men were invited to become members.

Funds collected under this class B membership, it was said, would be used by the association of broadcasters only for the expense of maintaining and operating the music release bureau and for the purpose of conducting a nation-wide campaign for the amendment of the present copyright law.

The National Broadcasters Association raised a fund in excess of $50,000.00 for the purpose of carrying on its legislative and legal activities against the Society and its members, and for the repeal of the musical performing right provisions of the Copyright Act, as the Society is informed and verily believes.

All the activities of the motion picture theatre owners and the broadcasters in attacking the right to publicly perform musical compositions for profit which Congress granted to composers and authors have been carried on exclusively through trade associations and on a national and unified basis. That was true prior to the organization of the Society and has remained true to this very day, and in so far as broadcasters are concerned, from the day broadcasting became a regular business.

Defendants aver upon information and belief that this very suit was induced by and brought at the instigation of the several trade associations representing radio broadcasters and motion picture theatre owners throughout the United States, and that the object of this suit is to disable composers, authors and publishers from dealing collectively in protecting their rights against pirates to the end that such users of music may perform the copyrighted musical numbers of composers, authors and publishers for their own profit without paying a cent of remuneration for the genius and labor which created the musical numbers employed in radio programs, motion pictures, cabarets, hotels, night clubs and other places of public resort and entertainment.

As a matter of fact, the National Association of Broadcasters has publicly announced that it will give its full support to the prosecution of this suit by the United States, and that in the event that this suit is successful, the National Association of Broadcasters will establish a music pool of its own and will use only the musical numbers of such composers, authors and publishers as are members of the said pool.

In other words, the broadcasters are seeking to destroy the Society which has been protecting the rights of composers, authors and publishers against infringements and piracy by broadcasters and other users of music, and propose to substitute in its place a group dominated by the broadcasters and subject to the dictates of such broadcasters.

If their scheme were to succeed, any author, composer, or publisher who refused to join the broadcasters' pool would be discriminated against and he would receive no compensation for the use of his composition. Without an organization to represent him, such as the Society, the individual composer and author could not protect his rights and he would again be powerless to prevent piracy.

In other words, the situation would again be the same as that which existed prior to the organization of the Society except that the creator of musical works would be given an option to forego the rights which the Copyright Law intended to give him, or in the alternative, to subscribe and become a member of the broadcasters' pool and to take whatever crumbs the broadcasters might feed him.

There are many composers and musical authors outside of the Society. There are hundreds of thousands of non-copyrighted

works, as well as works upon which copyrights have expired. The Motion Picture Exhibitors League and its successor, the Motion Picture Theatre Owners of America, publish and distribute lists of musical works not controlled by the Society and of publishers whose publications may be used free of charge.

The Motion Picture Theatre Owners of America have established a music department for the purpose of supplying to the theatre owners everywhere, suitable music for all purposes free from license fees. The National Broadcasters Association has also from time to time issued and distributed similar lists. It has maintained a bureau of music release which releases to its members for radio broadcasting at stated periods, numbers available and suitable for such purposes.

How large the supply is from which radio broadcasters, motion picture houses and hotels can draw without infringing upon the rights of the members of the Society, is demonstrated by the fact that some of the largest and most popular broadcasting stations in the United States held no licenses from the Society until 1927, and during that time furnished to their radio audiences musical programs of the highest quality, character and merit.

Evidently these stations had no difficulty in securing musical works that were not controlled by members of the Society. Mr. Klugh, executive chairman of the National Association of Broadcasters, before the Committee on the Merchant Marine and Fisheries of the House of Representatives, having under consideration House Bill 73357, for the regulation of radio communication, ridiculed the idea that the Society was a monopoly. He there expressed himself as follows:

"As a matter of fact, the American Society consists of 253 publisher members out of a known list of 6,500 publishers, authors and composers in the United States, as can be ascertained by going to the Congressional Library in the Copyright Office. Therefore, we maintain that this organization is an aggressive minority who have been successful in some measure in having their way."

When asked by the chairman of the committee what his complaint was with respect to the Society, he said:

"The complaint is that they ask for payment from broadcasting stations for the right to use compositions of their members, and the charge for that right is out of proportion with what they are able to deliver . . ."

Mr. Klugh there also made a statement as follows:

"The question involved is simply this: A minority owning less than 3 per cent of the current copyrights attempts to dictate, attempts to construe the copyright law, and it has succeeded in a certain measure in forcing through coercive measures and collection of money to which they are not entitled. That is our claim."

Several members of the committee questioned Mr. Klugh, and he replied as follows:

"Mr. Bland: How about this large number of composers that you say do not belong to that society? Can not you use them?

"Mr. Klugh: We can, but there you see one of the effects of lack of organization. Those are all independent operators; they are not organized, whereas this group of 46 publishers out of a known list of 6,500 are well organized and well administered.

"Mr. Davis: Why can not the broadcasters get ample material of meritorious songs of the 97 per cent, instead of being compelled to resort to the 3 per cent?

"Mr. Klugh: I might answer that by saying we are. We have set up competition with the American Society by encouraging the independents, which has really struck fear into their hearts, and has already caused the resignation of two of their principal members and will cause more.

"Mr. Bland: Organizing the 97 per cent would relieve the immediate situation."

The broadcasters made vigorous efforts to have the copyright statutes amended by repealing such part thereof as secures to a writer the performing rights in his works. Accordingly the National Association of Broadcasters sent out a letter to the Independent Authors, Composers, and Publishers. in which it stated:

"The American Society of Composers, Authors, and Publishers, will appear at this meeting and endeavor to show that they represent the majority of authors, composers, and publishers. We want to appear with evidence which will show that they do not represent the majority, and to this end we are inclosing 10 petitions to be signed by you and any other independent author, composer, or publisher who would like to have the truth known."

The petition mentioned and inclosed in that letter reads in part as follows:

"Petition: The undersigned, believing that the best interests of the public, the composers of music, the authors of songs, the publishers of music, and the performers thereof, will be served, hereby petitions the Congress of the United States to amend the copyright act of 1909, so that individual or detached songs and melodies, as distinguished from complete musical scores of operas, light operas, musical comedies, oratorios, cantatas, and other musical scores, designed to provide a whole performance, may be publicly performed without restriction by law or otherwise, to the end that 6,500 independent composers, authors, and publishers may have an equal chance with the 326 members of the American Society of Composers, Authors, and Publishers."

Mr. Klugh announced that over "700 petitions for independent composers, authors, and publishers were submitted to the Senate committee." Surely these 700 composers, authors, and publishers ought to be able to supply the reasonable wants of all the broadcasters, all the motion picture theatres, and all the hotels of America.

In accordance with the broadcasters' program, a bill was introduced in the United States Senate (Senate Bill 2600) designed to exempt radio broadcasting from copyright control. This bill was sponsored by the National Association of Broadcasters. The principal line of attack was that the Society enjoyed the benefits of the existing musical performing rights under the provisions of the act and that the Society was a combination in restraint of trade.

There was also introduced, in 1924, in the House of Representatives, a similar bill (H. R. 6250). The National Association of Broadcasters was represented by counsel, and hearings were held before the Patents Committee of the Senate, as well as of the House of Representatives. At said hearings, the Society was represented by its counsel and by its executive officers, and it laid before the respective committees the history of the Society, the manner of its operation, its purposes and objects. The broadcasters were joined in their attack upon the Society by the motion picture theatre associations and other associations of users of music. Exhaustive hearings were held, but the proposed bills failed to become law. In 1925, another bill was introduced in the House of Representatives (H. R. 11258), which proposed to amend the existing copyright act of 1909. At hearings held before the Committee on Patents of the House of Representatives, the National Association of Broadcasters appeared in opposition to the proposed bill, re-enacting the existing law, which secured to the copyright proprietor the exclusive right to communicate the copyrighted work to the public by means of radio broadcasting, telephoning, telegraphing, or any other method of transmitting sounds or pictures. The proposed bill failed to become law. In 1926, new bills were introduced in Congress, to amend the copyright act (S. 2328 and H. R. 10353). The National Association of Broadcasters again appeared and proposed to amend the copyright act to provide for the compulsory price-fixing with respect to radio broadcasting, similar to the compulsory license provision with respect to mechanical reproduction under the existing act of 1909. Thereafter, various bills were introduced in the Senate and the House of Representatives, to amend the copyright act and to permit the United States to join the Berne Convention. Hearings were held before the Patents Committee of the Senate and the House of Representatives, respectively, in 1930 and 1932, and at said hearings, the broadcasters, represented by their counsel, and various other agents and spokesmen, appeared before the respective committees, and attempted to have the proposed amended copyright bill exempt radio broadcasting from the payment of license fees to copyright proprietors; and they also attempted to insert various other provisions which would have effectively prevented the owners of copyrights in musical compositions from enforcing their legal rights through the Society; and at each of said hearings, said spokesmen for the broadcasting interests bitterly attacked the Society. All of the proposed amended bills above mentioned failed to become law.

The revenue derived by the radio broadcasters in the United States, each year, runs into enormous figures. The amounts collected by the Society for the licenses issued to the radio broadcasters represent the merest fraction of the tremendous revenue derived by them. Upon information and belief, during the year, 1931, the gross income of all the broadcasting stations in the United States (including the two chains, National Broadcasting and Columbia Broadcasting) for advertising time, amounted to over $70,000,000.00.

It has been the established policy of the National Association of Broadcasters and its several members to prohibit advertisers using the facilities of any broadcasting station from dealing directly with the Society. The said association and its members have always insisted upon collective bargaining with the Society by the broadcaster or the chain for all its and their advertisers.

The fee charged by the Society to broadcasters is low. The licensed hotels, theatre owners and broadcasters give thousands and thousands of performances per year of the works of the Society's

combined catalogue. Were there no organization such as the Society, users of copyrighted music would be under the same obligation to play none of the musical works of the members of the Society without obtaining a license and without the payment of the fee demanded by the composer; each writer would have the legal right to demand a fee satisfactory to him for the right to play his works; he might also demand that his compositions should not be used as a part of a musical performance in which the works of other writers are infringed, because its use would permit the practice of piracy; if the users were obliged to deal separately and individually with each individual composer, publisher and author, the combined royalties payable to the owners of such works, in order to make up suitable programs for the users, would be many, many times the amounts now charged. The users of music, knowing that they would not get the licenses any cheaper by separate contracts with each composer, have never attempted to approach any member of the Society for an individual license agreement providing for a bona fide payment to the composer of a license fee. The fight has been to pay no fee at all, and to secure the free, unlimited and unrestricted use for all performing purposes of copyrighted music.

Every user may obtain the right to publicly perform the music of the Society's members by paying the reasonable license fees that the Society imposes. The Society has never refused to grant its license to any user of music. Thousands of licenses have been granted by the Society throughout the country in the years that it has been in existence. Not one license has ever been revoked, except for non-payment of the license fee. Parties who obtain licenses to publicly perform the works of the members of the Society are not prohibited from using the works of non-members. They may combine in their programs the works of members of any other groups. There is no attempt to force any party to use the works copyrighted by members of the Society; the only aim that the Society is working for is to prevent unlawful public performance of the work of its members. That is the very aim that the National Association of Broadcasters, Restaurant Association, the Motion Picture Theatre Owners of America, and the American Hotel Association and similar trade associations of users and their constituent members are seeking to defeat. It is their aim to deprive the individual writer of the cooperation of his fellow-composers, and of the aid of the organization formed for the purpose of such cooperation, because it is hoped that after the destruction of their organization, the writers will again be helpless against despoliation.

The users of copyrigbted music are not confronted by any larger restriction by reason of the organization of the Society, than they would be without it. Every action that has been brought against infringers has been brought in the name of the writer or publisher whose work has been infringed, with his knowledge and consent, and under direct authority of the assignment made by him to the Society. What the Society is doing is merely to use the funds contributed by the members and the royalties derived from their works, under the authority of the members, for the purpose of aiding each member in suppressing piracy and in prosecuting his federal remedy.

The real grievance of the hotel man, the motion picture theatre man, the public resort proprietor, and the broadcaster is that they are not satisfied to make up their musical programs from old classical music and from those innumerable composers and copyright proprietors who are not members of the Society; they find it desirable to perform the works of composers of great reputation who are members of the Society; they want the works of these men because they are better drawing cards, the performances of their works will bring larger audiences, more admission fees, and more profit; and they want to use these works for more profit for themselves, without paying anything whatever to the composers, no matter how small the fee may be.

The music publishers who are members of the Society do not as members represent their printing, publishing and selling business. They are joined solely to cooperate for the protection of the performing rights against the piratical practices of others. The Society was not organized for the purpose of affecting in any way the trade in printing and selling musical compositions or musical instruments. The Society does not sell, circulate, publish, or deal, directly or indirectly, in any publication, or concern itself in the sale of publications or musical instruments. The Society does not ask anyone to buy musical works published by its members. It does not hold title to any copyright. It has never published or owned, nor does it own or publish, any musical works. It concerns itself only in suppressing piracies of the performing rights of the works of its members and in granting licenses to publicly perform musical works in places of amusement, as an incident of some other principal business, or trade. It confines its activities solely with the intangible and incorporeal right, to give public performances for profit of the works of its members. There is no dealing with an article of trade or commerce, nor any use made of any of the instrumentalities of commerce. The Society's business is not an aid or facility to commerce and does not affect interstate commerce, directly or indirectly, or substantially or incidentally. It does not consign or ship, or cause to be consigned or shipped, directly or indirectly, to any of its licensees, any musical compositions, parts of instruments serving to reproduce mechanically musical works or other matter. The license between the Society and its licensees, or the contracts between the Society and its members, do not in their effect operate in furtherance and in aid of commerce, nor does the Society furnish any facilities, conveniences, privileges, or services connected, directly or indirectly, with interstate commerce. The Society does not send any performing companies, instrumentalities, or singers throughout the country to render musical work of its members. It does not ship any copies of musical works or parts of instruments serving to reproduce mechanically musical works to any person who wishes to perform them. The licensee may buy the musical score whenever and wherever he likes, and he may, as he frequently does, play what he wishes to perform from memory. It is entirely his business.

The broadcasters refused to recognize the legal rights of the copyright owners, notwithstanding the decision of Judge Lynch in 1923, in Witmark & Sons against Bamberger & Co. (291 Fed. 776), and thereafter a suit was brought in the United States District Court for the Southern District of Ohio, Western Division, by the Society, wherein Jerome H. Remick & Company, a publisher member of the Society, was named plaintiff and the American Automobile Accessories Company was named defendant, based upon infringement by radio broadcasting; a motion to dismiss was made by the defendant in that case, and District Judge Hickenlooper granted the motion; whereupon, the Society appealed to the Circuit Court of Appeals for the Sixth Circuit, and that court in 1925, in an opinion by Circuit Judge Mack, reversed the District Court and held that broadcasting without a license constituted an infringement of the performing rights in a musical composition (5 Fed. [2d] 411). Thereafter, application for certiorari was made by the defendant to the United States Supreme Court, and such application was denied (268 U. S. 556). The Society was compelled to bring another suit against the General Electric Company, in the Southern District of New York, in 1926, based upon infringement by means of radio broadcasting; District Judge Thacher found that picking up an unauthorized performance by a microphone and rebroadcasting is constituted infringement, and he so decided in an opinion reported in 16 Fed. [2d] 829. However, the broadcasters did not accept that decision as final, and they awaited another opportunity to attack the rights of the members of the Society; they found such opportunity, in 1929, when the defendant Buck, as President of the Society, joining with a publisher, brought a suit against one Wilson Duncan, operating a radio station in Missouri, and the Jewell-LaSalle Realty Company, operating a hotel therein—the suit being brought in the United States District Court, Western District of Missouri, Western Division; in that case, the plaintiffs claimed that the hotel in question, having picked up a program emanating from an unlicensed broadcasting station, had committed an infringement; the court granted a decree sustaining the plaintiffs' contention and awarding $250.00 minimum damage (32 Fed. [2d] 366); thereupon, the defendants appealed and the Circuit Court of Appeals certified questions of law to the United States Supreme Court; the case came up in that court in 1931; the Supreme Court upheld, in full, the contention of the Society and established beyond any dispute, the right to the minimum damage of $250.00 (283 U. S. 191). In the appeal to the United States Supreme Court, in the aforementioned case, the counsel for the National Association of Broadcasters acted as counsel for the defendants and filed a brief in their behalf. In the years of litigation between the members of the Society and the proprietors of public resorts operated for profit and radio interests, such interests attempted time and again to interpose defenses, in infringement suits, to the effect that the Society was violating the Sherman Anti-Trust Law; and although such defenses were uniformly thrown out by the courts, they recurred repeatedly in answers interposed by proprietors of motion picture theatres and radio broadcasters in various parts of the country. It required all the resources at the command of the Society to maintain, successfully, litigation establishing the rights of the members of the Society with respect to radio broadcasting.

That the only attacks that have ever been made, prior to the commencement of this action, upon the legality of the Society and of its policies, were made by infringers who sought to deprive the composers and authors of musical works of the protection of the Society, in order that they might continue their piratical practices, with impunity; that in no litigation in which such attacks were made, did any court ever render any decision casting doubt upon the legality of the policies of the Society.

That associations similar in character to the defendant Society herein have for a long time existed and carried on similar activities in European countries and have been generally recognized and upheld by the courts of said countries as lawful organizations; that the Performing Rights Society, Ltd., is a similar association which has existed in England since 1914; that in the case of Performing Rights Society, Ltd., against Thompson, the High Court of Justice, King's Bench Division, decided in 1918 (34 T. L. R. 351), it was held that the Performing Rights Society, Ltd., was a lawful organization, formed for a legitimate object, and carried out by legitimate methods; that it was formed for the purpose of undertaking the protection of the rights of its members by enabling their performing rights to be put on the market to the best advantage, by collecting fees for them, and, if necessary, by protecting them from infringement by litigation.

Further answering paragraph "9," the Society avers that it was formed principally for the purpose of suppressing piracy of the incorporeal and intangible right to publicly perform for profit the duly copyrighted musical works of its members; to protect the non-dramatic performing rights of the works of its members from infringement both in the United States and in foreign countries and to enter into reciprocal agreements with similar societies organized and functioning in foreign countries to the end that the performing rights in the works of American composers and authors should be protected in foreign countries and foreign authors should similarly be protected against the invasion of their performing rights in their works in the United States, and to grant licenses for and on account of its members to users and radio broadcasting stations choosing to give legitimate public performances of the copyrighted works of the Society's members and to pay over to such members the proceeds of the license fees collected from such users and broadcasters, all in accordance with its articles of association as amended from time to time as experience might prove conducive to the best interests of the Society. That it did from time to time enter into reciprocal agreements with similar societies, carrying on their activities in foreign countries and there are still in full force and effect contracts between the Society and the following named foreign societies organized under the laws of and operating in the countries set opposite their names, to wit:

Asociacion Argentina de Autores Y Compositores de Musica	Argentina
Gesellschaft der Autoren, Komponisten und Musikverleger	Austria
Nationale Vereeniging Voor Aueteursrecht	Belgium
Sociedade Brasileira de Autores Theatraes	Brazil
The Canadian Performing Right Society, Ltd.	Canada
Ochranne Sdruzeni Autorske, csl. Skladatelu Spisovatelu a Nakladetelu Hudebnich	Czecho Slovakia
Internationalt Forbund til Beskyttelse af Komponistrettigheder I Danmakr	Denmark
Saveltajain Tekijanoikeustoimisto Teosto	Finland
Societe des Auteurs, Compositeurs et Editeurs de Musique	France
Staatlich genehmigte Gesellschaft zur Verwertung musikalischer Urheberrechte	Germany
The Performing Right Society, Ltd.	Great Britain
Magyar Szovekirok, Zeneszerzok es Zenemukiadok Szovetkezete	Hungary
Societa Italiana degli Autori ed Editori	Italy
Norsk Komponistforenings Internasjonale Musikkbyra, Tono	Norway
Sociedade de Escritores e Compositores Teatrais Portugeuses	Portugal
Societatea Compozitorlor Romani	Rumania
Foreningen Svenska Tonsattares Internationella Musikbyra, Stim	Sweden
Schewizerische Gesellschaft fur Aurruhrungsrechte	Switzerland

That the Society represents in the United States in respect of non-dramatic performing rights each member of each such respective Society, and it pays over at stated periods an aliquot part of its total collections from the issuance of licenses to American users and broadcasters to be distributed and divided in such foreign countries by such foreign societies; that the Society under the licenses granted by it to users and broadcasters never directly or indirectly made any extra charge for the right to give public performances of works of foreign authors, members of such foreign societies, but, on the contrary, under the license issued by the Society to users and broadcasters, such users and broadcasters enjoyed and still enjoy the absolute freedom to give public performances of the works not only of its own members but of all the members of any and all foreign societies affiliated with it, so that for the same license fee American users and broadcasters may arrange and present an international, diversified and pleasing program in accordance with the taste, requirements and desires of the users and broadcasters; that under such reciprocal agreements American writers are protected against the infringement of the performing rights in their works abroad and are receiving royalties, license fees and similar compensation from the public performance of their works abroad; that the share of the total royalties or license fees collected by each foreign society for or on account of the public performance rights of the Society's members are paid over by such foreign societies to the Society which in turn pays the same over to such of its members as may be entitled thereto; that users and broadcasters abroad of American works are generally required to pay a fixed and special fee for the privilege of giving public performances of works of American origin: it further avers that there are in the public domain thousands of works free and open to all users of music, including broadcasters; that there are bundreds of young men and women, not members of the Society, talented and eager to write especially for the users and broadcasters; that there are numerous works of non-members of the Society only too anxious to have the users utilize, exploit and capitalize them, and the Society avers that the users and broadcasters desire to give public performances of such works only as, through the expenditure of money, time, labor, skill and organization on the part of the Society's members, have been introduced to the public, advertised, publicized, popularized, given a vogue, celebrity and popular appeal; the users and broadcasters have a large and varied field of music open to them, but they choose to use only such as the Society's members have made successful, popular and appealing at great expenditure of time, labor, skill and organization. Some users and broadcasters have gone into the field of acquiring compositions, in order to control the performing rights thereof, some have discontinued their activities in that direction because the cost of operation has far exceeded the yield from the use of the works.

The defendant Society further avers that its management is governed, controlled and determined by its articles of association as aforestated.

The membership of the Society is comprised of

(a) production writers, i. e., those who devote themselves to writing the books or librettos, words and lyrics and music of operas, operettas, musical plays, plays with music, and kindred works intended and adapted for legitimate stage presentations, and music publishers that specialize in the arranging, preparation, printing and publishing of such works;

(b) standard writers and standard publishers, i. e., those who devote themselves to the writing of dramatic ballads, choral and religious works and songs, such as "The Holy City," "The Road to Mandalay," "Drink to me only with Thine Eyes," "Rock of Ages," "When the Sands of the Desert Grow Cold," suites, concertos, oratorios, and orchestral works, and those who arrange, prepare, print and publish such works;

(c) popular song writers and publishers, i. e., those who specialize in writing topical songs, the songs of the day, songs of an ephemeral, temporary and very short vogue, and those who print and publish such songs.

Production writers and publishers, and standard writers and publishers have always constituted the smallest number of those engaged in the profession of music writing and the business of music publishing. The interests of each group of members of the Society are not the same; they generally do not cater to the same public; their problems are not identical.

From the date of the formation of the Society to the date of the filing of the petition, the overwhelming majority of the membership consisted of popular song writers and popular publishers. If provision had not been made in the articles of association for the proper representation of standard writers and standard publishers, production writers and production publishers, on the direc-

torate of the Society, in all probability (by virtue of the preponderance of popular songwriters and popular publishers in the membersbip of the Society) tbe Board would consist entirely of popular songwriters and popular publisbers, so that the other classes would be denied representation on the Board. Furtbermore, it was contemplated and intended that the Board should always consist of an equal number

(a) of the authors of the books, words and lyrics of stage productions, the composers of the music of stage productions and publishers of stage productions;
(b) of the autbors of tbe words of standard numbers, of the composers of standard numbers and the publishers of standard numbers;
(c) of the authors of the words of popular songs, of the composers of the music of popular songs, and of the publishers of popular songs,

so that tbe directorate consists of

(1) 2 authors of words of productions
2 composers of music of productions
4 publishers of production music
(2) 2 authors of words of standard numbers
2 composers of music of standard numbers
4 publishers of standard music
(3) 2 autbors of the words of popular songs
2 composers of music of popular songs
4 publishers of popular music.

The number, character, prestige, vogue, popularity and celebrity of the works written and copyrighted, and the reputation, popularity and celebrity of the writers of the works are not the same nor are they substantially alike.

To assure equality of representation; to prevent any class of tbe membersbip from dominating over any otber class; to insure against the adoption of any policy inimical, injurious or detrimental to tbe best interests of any particular class, the plan was devised to have the first Board elected by the vote of the entire membership and thereafter upon tbe death, resignation or expiration of the term of office of any incumbent in the directorate, to have tbe remaining directors choose his successor, but from the same class to which his predecessor belonged, *i. e.,* if a vacancy occurred in respect of the writer of the music of standard songs, then tbe board choose in his place a composer of standard songs of the same rank, popularity, reputation and celebrity as his predecessor and then usually upon the recommendation of the group of the membership to which he belonged. By virtue of this policy the Society was never dominated or controlled by any particular class, clique or group. Thereby the interests and problems of each class of the Society were and are safeguarded and no advantage was or could be taken by one group against any other. Under this system experienced and well qualified persons tboroughly conversant witb the problems affecting their class, represented their class on the directorate. The membership by a vote of two-thirds under the Articles of Association could and can change the method of selecting the directors, but it has not seen fit so to do to date.

The Society, its Board of Directors, officers, agents and servants concern themselves with no activity whatsoever except with the non-dramatic performing rights as herein described.

VII. Deny each and every allegation contained in paragraph "10" of tbe petition, except admit that licenses to perform publicly for profit the musical compositions copyrighted by its members are issued by the Society to all applicants therefor, and that four forms of licenses are in use, copies of which are attached to the petition marked Exhibits "B," "C," "D," and "E," respectively, and made a part tbereof; and aver that the Society's agents visit places of public resort operated for profit and listen in on commercial radio broadcasts and if, as is usually the case, the operator of the establishment or the radio broadcaster gives an unlicensed performance for profit of a number in the repertory of the Society, such user or broadcaster is notified of such infringing performance and is required to cease and desist from such illegal practice and his attention is called to the provisions of the Copyright Law covering the subject matter of performance; such user or broadcaster is also informed that if he desires to perform legitimately any of tbe works in the repertory of the Society, the Society will issue a license to him, which is in the form of Exhibits "A," "B," "C," and "D" attacbed to the petition, as the case may be; that by such licenses the Society does not expressly or impliedly restrict the licensee to the use of works of Society members exclusively, nor does it exact as a condition for the granting of licenses that the licensee shall during the term of the license limit himself to tbe use of works of Society members, nor does the Society by such license expressly or impliedly agree or undertake directly or indirectly tbat either it or any of its members or any tbird party shall furnish to the licensee any copy of any work in the Society's repertory which the licensee desires to perform, nor does tbe Society in fact furnish any such copies, nor does it require any of its members or any third party to furnish the same; sucb licenses to perform publicly for profit the works in tbe repertory of the Society are issued to all desiring the same without any restriction, condition or limitation wbatsoever. No applicant or licensee is required to perform the works of the members of the Society exclusively. He may combine in bis program the works of non-members of the Society or works in the public domain. The Society's licensees do perform the works of non-members and/or works in the public domain.

That the Society from its very inception granted only blanket licenses to perform any and all musical compositions of all its members and the members of its affiliated foreign societies upon the payment of a fixed annual royalty, covering botb domestic and foreign works. The various trade associations, *i. e.,* Hotel Men's Association, Restaurant Owners Association, Dance Hall Association, Motion Picture Theatre Owners Association, and other associations of users and originally the National Association of Broadcasters acting for their various groups in collective bargaining demanded blanket licenses covering all the works in the repertory of tbe Society and its affiliated societies and themselves dictated and fixed the rates which tbey would and did pay under such licenses. They did not wisb to deal witb the individual owners of copyrighted works because they realized that to bargain separately for such works with owners thereof scattered througbout the world would entail endless and tedious negotiations with such individual owners and would result in tbe payment of prices far in excess of the license fees paid to the Society. Furtbermore, in many cases, it would be impossible to obtain a license from the individual copyright owner because of deatb, removal, inaccessibility, ownership in several parties, and many other reasons. Since the daily program of users and broadcasters involves from twenty-one to eigbty-six separate songs of different authorsbip, nationality, character, taste, fancy and appeal, it was and is essential the Society issue blanket licenses to the users and broadcasters, leaving it to the Society to work out an equitable system for the division of the royalties among its members and tbose of its foreign affiliates.

In respect of the establishments licensed by tbe Society it is spared the expense of attending performances and/or listening in to ascertain whether or not the works of its members are pirated. Were the Society to issue licenses for individual songs it would have to maintain at a prohibitive expense an enormous staff of investigators to ascertain whether or not the holder of the license for the single number is adhering strictly to bis license or simply using it as a cloak or subterfuge to infringe the entire repertory of the Society; the Society would have to engage in extensive negotiations with its several members to ascertain tbe price for which such member would agree to license the specific work; the Society would have to maintain a tremendous bookkeeping staff to keep track of all these individual licenses, all of which would tend to make its operations costly and impractical.

As a matter of fact the Society has had no application for individual numbers until recently when the National Association of Broadcasters, defeated in its attempts to secure legislation detrimental to the Society, conceived the idea of asking for single numbers in negotiations with tbe Society in order to use such negotiations as a basis of complaint.

VIII. Deny each and every allegation contained in paragraph "11" and aver that the Society has never granted licenses or dealt with entertainers or groups of entertainers; that it has been its consistent policy from the outset to deal only with the proprietor of a public resort operated for profit and with commercial broadcasters.

IX. Deny each and every allegation contained in paragrapb "12," and aver that at the inception of the Society and during its early years proprietors of resorts located outside of New York City ignored the notices of the Society to cease and desist from using the works in its repertory; that tbey openly defied the Society througb their respective trade associations and challenged the Society to vindicate the rights of its members in the courts located in the various federal districts; that tbereupon and under the necessities of the situation so created the Society employed attorneys in good standing and of good repute in the several federal districts to ascertain infringements and to prosecute the same.

X. Deny each and every allegation contained in paragraphs "13," "14," and "15," and further answering said paragrapbs "13," "14," and "15," the defendants aver that the Association was formed in or about April, 1917, upward of three years after the organization of the defendant Society; that such Association was formed witbout the knowledge, consent, acquiescence, participation or ap-

proval of the Society; that at no time had the Society any association, or connection, or relationship with the Association, nor had it anything to do, either directly or indirectly, with the formation of such Association, or with any of its business, affairs, operations or policies; that it never, directly or indirectly, transacted any business with such Association, or had any communications with it, nor was the Society directly or indirectly concerned with or interested in the business, management, operations, affairs or policies of such Association, nor did it participate in any way, directly or indirectly, in its management, or in any of its business, affairs, operations, activities or policies, nor in the selection, designation, election or naming of any member of its board of directors, officers, agents and servants; that the Society did not, directly or indirectly, require that the Association render any services to it or to its licensees, nor did the Association directly or indirectly render any such services; that the designation, selection, election or naming of any officer, director, agent or servant of the Association was not dependent upon his being a member, officer, director, agent or servant of the Society; that persons not members, officers, directors, agents or servants of the Society have been, and are, members, officers, directors, agents and servants of the Association; and that there is and was nothing in common or any community of interest between the Society and such Association, in any particular, respect or manner whatsoever; that if any member of the Society happens to be a member of the Association, it is purely and solely because such person happens to be an active music publisher, and not because of, on account of or by reason of his being a member of the Society; that the Association has neither directly or indirectly any connection or association with the Society nor has it anything to do with the Society nor has it anything to do with the selection, election, designation or naming of any of its officers, directors, agents, or servants; that it never did, and does not now, direct or participate in the policies, activities, business, operations or affairs of the Society, nor has it anything to do with the administration of its affairs, operations and activities of the Society; that it has not participated, concerned itself or interested itself therein, directly or indirectly; that these two organizations have been, and are, separate and distinct entities, having nothing whatsoever to do with each other in any manner or by any means or mode whatsoever and are absolutely foreign to each other in every respect.

XI. Deny each and every allegation contained in paragraphs "16," "17" and "18," and further answering said paragraphs "16," "17" and "18," defendants aver that the Service Corporation has ceased and discontinued all business, activities and operations and its directors voted to dissolve such corporation before the commencement of this suit; that such corporation was organized in or about June, 1932, upward of eighteen years after the organization of the defendant Society; that such Service Corporation was organized without the knowledge, consent, acquiescence, approval or participation of the defendant Society; that at no time did the said corporation render any service, directly or indirectly, to the Society, or to any of its licensees nor did it require any service to it or to any of its licensees; nor did the Society have anything to do with the cessation and discontinuance of the business, activities and operations of such Service Corporation; that at no time had the Society any connection, association or relationship with the Service Corporation or had it anything to do, either directly or indirectly, with the formation of such Service Corporation or with any of its business, activities, operations or affairs; that it never, directly or indirectly, owned any part of its capital stock, nor directly or indirectly, transacted any business with it, nor had any communication with it, nor was it directly or indirectly concerned with it or interested in its ownership, management, operations or policies; that the Society did not participate in any way, directly or indirectly, in its management or in any of its affairs, business, operations or activities, nor in the selection of its board of directors, officers, agents or servants; that if any member of the Society was at any time in any wise connected with the Service Corporation, then he was so associated and connected solely in his capacity as an active music publisher and not in connection with or on account of or because of his membership or association with the Society; and that his association and connection with such Service Corporation was without the prior consent or approval of the Society and was not dependent upon or connected with his membership in the Society; that he did not first ask the Society for its consent, approval or acquiescence, nor did the Society, by any act, directly or indirectly, consent or approve of his association or connection with such Service Corporation; and that the association or connection of any member of the Society with the Service Corporation, prior to its dissolution, had no relation whatsoever to such member being a member, officer or director of the Society; that there was no connection or community of interest whatsoever between the Society and such Service Corporation in any particular; that the defendant Society never selected, designated or named, or had anything to do, directly or indirectly, with the selection, designation or naming of any of the officers, directors, agents, or servants of the Service Corporation.

XII. Deny each and every allegation contained in paragraphs "19" and "20" and "22."

XIII. Deny each and every allegation contained in paragraph "21," and further answering said paragraph "21," the defendants aver there is absolutely no competition with respect to the performing rights of musical works for the reason that each number is *sui generis*. It stands in a class by itself, upon its own merit, quality, and pleasing attractiveness, and appeal to the public. A person desiring to hear "Mother Machree" is not satisfied with and will not accept a rendition of "A Kiss in the Dark." A famous opera singer, the predominant feature of whose repertoire is "Madame Butterfly" will, under no circumstances, sing "Carioca." Instances can be multiplied *ad infinitum*. The commercial value of the performing rights in a song lies in its use in combination with and as part of a mixed composite program. Never in the history of the Society was there a request made for permission to give a public performance of a single number or a group of numbers, or for the numbers in the catalogue of a given publisher until recently, when such requests were made at the instigation of the National Association of Broadcasters for the sole purpose of harassing the Society and laying the foundation for a lawsuit. The usual request is for the privilege of selecting from the Society's repertoire a suitable program to be changed daily or weekly as the necessities of the licensee's business may require. There is no way of placing a value upon the performing rights of a single number or group of numbers, or even of the numbers of an entire catalogue of a music publisher. Other than the statutory guide of determining the value of such rights, there is no other method of fixing or ascertaining the value of such rights with the possible exception of production numbers; that is to say, numbers especially written for or interpolated in musical plays, reviews, and comic operas for legitimate theatrical performances. In the case where an entire musical play is written by a composer and author in collaboration, they receive a royalty based upon a percentage of the gross weekly receipts, customarily aggregating to 6 per cent of such gross receipts. In the case of a single number or group of numbers, the royalty varies from one-half to 1 per cent of the gross receipts. Sometimes the royalty is fixed at sums ranging from $50 a week upward, depending upon whether a single number is interpolated or a group of numbers.

Prior to the formation of the Society there was no market among users for performing rights of single numbers or for groups of numbers or for even the numbers of entire catalogues of writers and publishers. The establishments with which the Society deals helped themselves to the same without trading or bartering for such rights. They never paid for any such rights, never offered or suggested paying for such rights, and there never was any price fixed for such rights, and there was no means of determining the value of such rights.

The only dealings that users of music and broadcasters desire to engage in is upon the basis that they pay no price at all for the rights to use copyrighted music. They claim a perfect *quid pro quo* in the form of the publicity that they give to a number by publicly having it played or sung although it is well known that the constant broadcasting of a particular composition destroys its popularity and disables the writer from securing royalties through other means of production and exploitation.

XIV. Deny each and every allegation contained in paragraph "23," and further answering said paragraph "23," the defendants aver that the owners of radio broadcasting stations have not employed writers to write music, but have simply waited for the music of authors and composers to be popularized by publication or presentation on the stage and have thereafter used the music so published or presented and popularized by others; that instead of the radio popularizing music, the constant plugging of the musical compositions by radio broadcasting has shortened the life of musical numbers and has resulted in a tremendous decrease in the royalties received from the publication and sale of sheet music and the primary source of revenue from copyrighted musical numbers to which the composer, authors and publisher may look as the revenue derived from the public performance for profit of their musical numbers; that under the Copyright Law, the copyright proprietor has an absolute right to select his vehicle for the use of his copyrighted works and if he should decide to refuse to give his music to be used by the radio broadcasters, he is privileged and within his right in so doing; that the activities of the broadcasters with respect to music have been and are limited solely to an attempt to take the music without paying for it.

XV. Deny each and every allegation contained in paragraphs "24," "25," "26" and "27," and further answering said paragraphs "24," "25," "26" and "27," the defendants aver that the composers and authors of all countries have been permitted to organize for their mutual protection against piracy, and to issue their licenses for the public use of their works through one single central agency. In no case throughout the world do the users seek the actual dissolution of such agencies or desire an opportunity to deal with copyright owners separately if they are going to have to pay. If they are going to have to pay at all, they prefer to deal with the organized group. If they could disorganize and separate the group into its constituent elements, they know they would not have to pay because the individual could not enforce, or protect his rights. That is precisely what the users of music have been attempting to accomplish. Were it not for the existence of the Society not a single one of its licensees could hope (if he conducted his business according to the present amusement policy) within the cost of what he is at present paying the Society, to negotiate with individual copyright owners and secure as wide a selection of music as is available under Society's license for anything like the present cost to him. If the users of music really desired Society to be dissolved, there could be but one conclusion drawn from an expression of that desire and that would be that there is an intention toward wholesale piracy of the works of unorganized individuals. To negotiate for individual licenses would require that dealings be transacted with several thousand different copyright owners located all over the world as well as in the United States of America. In the history of Society, there has not been one single instance in which a licensee, actual or prospective, has requested the Society to afford him an opportunity to deal with the individual copyright owners nor, in the entire experience of Society, has there been a single instance in which any licensee or user of music has requested Society to adopt a policy of quoting a price for the use of individual compositions until recently for the purpose of framing a lawsuit. Nor has Society ever offered to quote a price for the use of individual compositions, but it has often offered to users of music an opportunity to deal directly with individual copyright owners and disregard Society entirely. These users wish no opportunity to deal with individual copyright owners nor to have quotations given them upon a license to use individual works. No place of public amusement could purvey a balanced entertainment through the use in its programs of the works exclusively of a single composer or a single publisher. Programs of musical entertainment, in order to accomplish the purpose for which they are intended, the profit of him who presents them, must contain widely varied and diversified compositions. To be entertaining, a program must be composite—it is customary to include currently successful compositions as well as old-time melodies. A dance hall requires eighty or more different compositions with which to provide an evening's entertainment. A broadcasting station on the average plays more than five hundred musical titles in a full day of operation. In both cases, these compositions run the entire gamut of old-time and modern music, domestic and foreign music, popular and classical music, except as to the dance hall, which confines its uses mostly to the popular music of the day. No matter how good his intentions the average user of music could not possibly, within a reasonable time, establish a practical contact with the owners of the copyrights, in the music which he would have to use to present balanced and attractive programs. A failure to establish such contacts would leave him in the position of either infringing the right or not using the work. In either case, he is confronted with a substantial hardship and hazard.

The nearly six hundred broadcasting stations are scattered all over the United States. They are owned and operated by many different interests, and in some cases by huge corporations. The preparation and conduct of a suit for infringement of copyright is an involved and expensive procedure, too involved and too expensive to be undertaken by an individual copyright owner. The disposition of the stations first, to deny entirely the rights of copyright owners. and secondly, to openly infringe them if these rights were not safeguarded by the Society, was perfectly apparent. Had Society not been available as an instrumentality through which the musical copyright owners could ascertain piracies and protect their rights as well as license the legitimate public performance of their works, there can be no doubt but that these rights in actual practice would have been completely lost and the owners thus illegally deprived of their properties.

Broadcasting attained tremendous popularity, reaching in a few years a point where it entertained as nearly as could be estimated 50,000,000 people per day. In the brief period between 1921, with 5 stations, to 1932, with 607 stations, radio grew from a novel toy into a gigantic enterprise with an investment of approximately $1,800,000,000, paying to entertainers alone salaries amounting to nearly $40,000,000 per annum, and with more than 35,000,000 receiving sets then in use throughout the world. In 1925, there were less than 5,000,000 homes in the United States equipped with radio receiving sets. In June, 1932, there were 16,800,000 thus equipped. 51,000 retailers in the United States handling radio sets sold, in the year 1931, $309,270,000 of these products. In the United States, at the end of 1932, there were 133 radio sets per 1,000 inhabitants. During the year 1932, the radio industry sold 44,300,000 tubes, 140,000 automobile radios, 150,000 "cigar box" model receivers, 1,830,000 "midget" sets, and 500,000 "console" type receivers, a total of 2,620,000 radio sets with a retail value of $196,190,000. 152 manufacturers were engaged solely in the business of making radio receiving sets. A tabulation of the total sales of radio products for a period of seven years, 1926-1932, inclusive, shows the following:

1926	$506,000,000
1927	425,600,000
1928	690,550,000
1929	842,548,000
1930	500,951,500
1931	309,270,000
1932	196,190,000
	$3,471,109,500

In the brief period of seven years, the people of the United States purchased radio receiving equipment at an expenditure averaging $495,873,000 per annum.

It was not until 1927 that the broadcasting stations began really to sell their "time" to sponsors, and their sales of "time" to sponsors grew from $3,832,500 in the year 1927 to $49,107,000 in 1932, and during the current year (1934) the expenditure by advertisers for radio "time" of the stations in the United States is estimated to exceed $100,000,000.

Several of the largest and most powerful broadcasting stations in the United States are owned and operated by companies engaged in the manufacture of radio receiving apparatus. The purchasers of radio sets buy them only because a service of entertainment is available through this means. The broadcasting stations are enabled to render an entertaining service sufficient to induce the purchase of such sets only if music is available for their use. In direct proportion as the program is entertaining, the number of sets purchased increases. In direct proportion as the number of sets in use increases, the value of "time" to an advertiser is enhanced and the opportunity of the station to sell the use of its facilities at increasing prices is enlarged.

In round figures, 80% of the time a station is "on the air," it is broadcasting musical works. This spectacular and unprecedented growth in the popularity of radio as a medium of entertainment has changed the musical habits of the nation. Of pianos, there were sold in the United States in the year 1925 the total value of $93,670,000, but in 1931, this figure had shrunk to $12,000,000. The sale of phonograph records in the United States shrank, from 1925 to 1931, over 80% and by 1932, the shrinkage had reached 90%, and today there is being sold something less than 10% of the phonograph records that found a ready market in 1925. In 1925 sales of phonographs totalled $22,600,000, but in 1931 the sales had shrunk to $4,869,000, a shrinkage of about 75%. From 1925 to the end of 1931, the average sales of sheet music shrank more than 70%. The broadcasters grew tremendously in strength, financially and politically, whilst those who created music grew poorer and poorer. It would have been impracticable and impossible for an individual musical copyright owner in such circumstances to have protected his rights.

There were a total of 16,885 commercial motion picture theaters in the United States in 1934. In 1925, the average weekly attendance at these theaters was 90,000,000 persons. In 1931, the average weekly attendance was 115,000,000. In 1930, the public purchased admission tickets to motion picture theaters of a value exceeding $1,500,000,000.

No individual copyright owner could hope to successfully ascertain infringements, protect or license his performing rights to more than 20,000 theatres situated in every city, village and hamlet in the United States of America, in view of the manifest disposition of these users of music to disregard and ignore the rights of musical copyright owners. There are thousands of dance halls, cabarets, road houses and restaurants scattered throughout the United States.

Many of them are in remote localities. The average expenditure per annum in "dance halls and night clubs" for the years 1928-1930 was $23,725,000. This group as well as those previously described are represented through powerful trade associations, and this group no less than the others has through the years shown a disposition to deliberately and willfully disregard the rights of musical copyright owners. No such individual copyright owner could hope to successfully ascertain infringements, and protect or license his rights to these establishments. Music enables these enterprises to be conducted by these groups at a substantial profit. It is imperative that the musical copyright owner have a means and method whereby he may protect his properties against unlawful use by them, or license them to perform the same.

As a result of these economic conditions, practically the only reward that the writer receives for his labors, and that the publisher receives for the expenditure of time, labor, capital and organization on his part are the royalties received through the Society from the licensing of the right of public performance. If the Society should be dissolved, many writers will be deprived of their livelihood and will become unable to support their families.

XVI. Deny each and every allegation contained in paragraph "28," except that they admit that in 1932, the defendant Society notified all radio broadcasting stations throughout the United States, which had theretofore entered into license agreement with Society, that on and after June 1, 1932, the defendant Society would issue to such broadcasting stations general licenses covering all of the musical compositions of all members of the Society, upon the basis of a fixed sum, plus a percentage of the gross income derived by broadcasters from advertisers; and that after protracted negotiations, the broadcasters entered into agreements, respectively, with the Society, in the form annexed to the petition, upon the basis of royalty payments, plus a graduated percentage of the net receipts from advertisers, to wit,—three per cent for the first year, four per cent for the second year, and five per cent for the third year.

XVII. Deny each and every allegation contained in paragraph "29," except that they admit that with respect to radio broadcasting stations operated by newspapers, fifty-one per cent of the stock thereof being owned by such newspapers, the rates are lower than the rates paid by other radio broadcasters, and are in accordance with the exhibit attached to the petition; that the defendants allege that this distinction in the rates is made for the reason that newspaper-owned radio broadcasting stations do not sell advertising time upon any substantial scale and are not operated primarily for the sole purpose of obtaining revenue from commercial advertisers, but, on the contrary, such broadcasting stations are operated as semi-public media for the dissemination of news and other matters of general interest.

Further answering said paragraph "29" defendants aver that few musical compositions are withdrawn from radio broadcasting; that such musical compositions are withdrawn only when the continued radio broadcasting of such numbers, if not restricted, would destroy the grand or stage or symphonic rights of the members in such works; that the defendant Society, by virtue of the performing rights obtained under its license agreements with its members, is bound in equity and good conscience, to do nothing that will destroy the value of the rights reserved to such members; that one of the important rights reserved to such members is the grand performing right on the stage of the musical compositions composed and published, respectively, by them; that continued radio broadcasting of musical compositions has a tendency to surfeit the public and to destroy the popularity and value of musical compositions within a few weeks after their publication; that dramatico-musical compositions currently successful upon the stage, are produced at a great investment, sometimes as high as $200,000.00 or $300,000.00; that if radio broadcasters were permitted, unrestrained and unrestricted, to perform the musical compositions which are part and parcel of such dramatico-musical works, the desire of the public to attend such productions in the theater would be extinguished, and the value of the rights in said musical compositions and dramatico-musical works would be likewise destroyed; and for that reason the Society, at the instance of individual members thereof, restricts from indiscriminate broadcasting, from time to time, such musical compositions, in order to prevent destruction of the rights therein and the rights of the members of the Society therein.

XVIII. Deny each and every allegation contained in paragraphs "30," "31," and "32."

XIX. Deny each and every allegation contained in paragraph "33," except admit that the Society has adopted and maintains a system for the acquiring of information relative to the musical compositions used by broadcasting stations.

XX. Deny each and every allegation contained in paragraphs "34," "35," "36," "37," "38" and "39."

WHEREFORE the said defendants respectfully pray that the petition be dismissed with costs.

NATHAN BURKAN,
Solicitor for Defendants,

American Society of Composers, Authors and Publishers et al.

O. & P. O. Address, 1450 Broadway, Borough of Manhattan, City of New York.

ENGINEERING DATA FURNISHED

Mr. A. S. Clark, of the Radio Research Company, Washington, D. C., has furnished the NAB and its Engineering Committee with data accumulated during the past year on measured characteristics of broadcasting station apparatus. Publication of the data in these REPORTS is thought timely nd pertinent, in view of current discussion of high-fidelity transmission.

Little data has heretofore been available on the standards of transmission maintained among broadcasting stations. There has been a general supposition on the part of broadcasters that the transmitted signal is usually of far better quality than the present-day receivers are capable of reproducing. This thought has been encouraged by data on transmitters furnished by manufacturers which invariably depict characteristics little short of perfection. When a transmitter is installed in the field, operated by average personnel, and perhaps connected to a none-too-good telephone line supplied by a miscellaneous assortment of speech input equipment, it is frequently found that the measured over-all characteristics depart somewhat from perfection regardless of whether the apparatus is home-made or made by prominent manufacturers.

Mr. Clark's measurements were made on 35 stations ranging in power from 100 to 5000 watts.

Audio fidelity was measured at 50% modulation. A variable input was applied to the mixer system to maintain that degree of modulation at the various test frequencies.

Audio harmonic content was measured at 400 cycles in each case. The value indicated in the data represents the r. m. s. value of combined harmonics, rather than the arithmetic sum as specified in the FCC Rules. The effective value is, of course, smaller than the arithmetic sum.

The power and type of modulator employed by the various transmitters are shown in Table 1.

The audio fidelity measurements are shown in Table 2. These measurements indicate the audio fidelity of the entire plant from the mixer to the antenna. The departure from the 1000-cyle zero level is indicated in decibels.

While there is some difference of opinion regarding the specifications for good quality transmission which makes a comparison with an empirical standard inadvisable, it can be seen from Table 2 that 47% of the composite installations and 43% of the so-called "standard" transmitters are decidedly deficient in the transmission of the lower frequencies to an extent that they would fail to meet any reasonable standard. Likewise, 71% of the composite transmitters and 54% of the standard transmitters have decidedly poor high frequency characteristics. Disregarding classification of a total of 35 transmitters measured, 52% of them are deficient on the "lows" and 66% of them are deficient on the "highs."

Many stations are dependent upon recorded program material. For lateral recording by far the majority of them use pickups of the general characteristic of curve A in Figure 2. This is a pickup regarded for years as the last word in quality, and was much sought after. Recently, there has been made available at comparatively low cost a lateral pickup having characteristics, as tested in the field, similar to that of curve B, Figure 2. This curve is comparatively flat from 50 to 5000 cycles. With present-day recordings this pickup gives an over-all result in startling contrast to those obtained with old style pickups. Many of the stations using a considerable amount of lateral recordings could make a decided improvement in the quality of transmission through the use of a relatively inexpensive modernization of their pickup equipment. Both curves shown in Figure 2 are a combination of pickup characteristic with the characteristic of the cutter and recording amplifier used by one of the major recording companies,

and depict the net over-all result from the input to the recording amplifier to the output of the pickup.

The curves on audio harmonic content are shown in Figure 1. The difference in harmonic content shown between transmitters of "composite" design and those of "standard" make should not be taken as either a disparagement of one or a recommendation of the other. The difference is accounted for by reason of the fact that the majority of composite transmitters were high-level modulated, and since, in most cases, the designers were not so sure of their ground, they installed a surplus of modulator capacity. On the other hand, almost all of the standard transmitters were of a type and design employing low-level modulation and two "linear" stages with tubes worked right up to their limit. In some power classifications, the tube used in the final amplifier was admittedly not capable of delivering the rated power fully modulated. Such a transmitter is difficult to keep properly adjusted with the checking and maintenance equipment usually available, which consists of a voltmeter and pocket knife both furnished by the operator. In passing, it might be noted that over-modulation was found to be very prevalent, especially among the composite transmitter group.

In view of the interest among stations in Class B modulation, there is included in Figure 1 a curve (D showing the average distortion in 8 transmitters so modulated.

TABLE NO. 1

Composite Transmitters

No.	*Power*	*Modulation*	*No.*	*Power*	*Modulation*
1	100	High	13	100	High
2	250	High	14	500	High
3	1000	Low	15	250	Low
4	500	High	16	100	High
5	100	High	17	500	High
6	1000	Low	18	500	Low
7	250	Low	19	100	High
8	100	High	20	100	High
9	100	High	21	100	Low
10	1000	Low	22	100	Low
11	500	Low	23	100	High
12	500	High	24	100	Low

Standard Transmitters

No.	*Power*	*Modulation*	*No.*	*Power*	*Modulation*
25	1000	High	31	250	High
26	5000	Low	32	500	Low
27	100	Low	33	500	Low
28	2500	Low	34	1000	Low
29	1000	Low	35	250	Low
30	5000	Low	36	1000	Low

TABLE NO. 2

Composite Equipment

FREQUENCY

Station No.	40	50	60	80	100	200	500	1000	2000	3000	4000	5000	6000	7000	8000	9000	10000
1	+ 2.0	+ 2.0	+ 1.5	+1.0	0	0	0	0	0	+1.0	—1.0	— 4.5	—11.0	—16.0	..	..	..
2	+ 0.5	+ 1.0	+ 1.0	+1.0	+1.0	0	0	0	0	0	+1.0	+ 1.5	+ 2.0	+ 2.5	+ 4.0	+ 2.0	0
3	— 5.0	— 4.0	— 3.0	—1.0	0	0	0	0	0	0	0	— 3.0	— 6.0	— 7.0	— 8.0	..	..
4	..	—10.0	— 8.0	—6.0	—5.0	—2.0	—1.0	0	0	0	—1.0	— 4.0	—10.0	..	..	..	..
5	..	— 3.0	— 2.0	—1.5	—1.0	0	0	0	0	0	+0.5	0	+ 1.0	0	0	— 1.0	—3.0
6	..	0	+ 6.0	+5.0	+3.5	0	0	0	0	+1.5	+2.5	+ 3.5	+ 2.0	— 6.0	..	..	..
7	..	—18.0	—12.0	—8.0	—6.0	—3.0	—1.5	0	0	0	—1.0	— 5.0	— 8.0	..	..	..	..
8	— 4.0	— 3.0	— 2.0	—1.0	—1.0	0	0	0	0	0	0	— 1.0	— 3.0	— 8.0	—13.0	..	..
9	— 3.0	— 0.5	— 3.0	—4.0	—3.0	—2.0	0	0	0	0	0	0	— 0.5	— 2.0	— 3.0	—4.0	
10	0	+ 1.0	+ 1.0	+0.75	+0.5	0	0	0	—1.5	—4.0	—8.0	—12.0	—16.0	..	..	..	..
11	0	— 1.0	— 2.0	—2.0	—1.0	0	0	0	0	—1.0	—1.0	— 4.5	—12.0	..	..	..	..
12	..	— 9.0	— 6.0	—4.0	—3.0	—1.0	0	0	0	0	0	0	— 2.5	—10.0	..	..	..
13	— 2.0	— 2.5	— 3.0	—2.2	—2.2	—2.0	0	0	0	0	0	— 1.0	— 1.0	— 1.0	— 1.5	..	..
14	0	+ 0.5	+ 1.0	+0.5	+0.5	0	0	0	0	0	0	0	0	— 1.0	— 1.0	— 2.0	—3.5
15	— 4.0	— 3.0	— 2.5	—2.0	—1.0	0	0	0	0	0	—1.0	— 3.0	— 5.0	— 9.0	..	..	..
16	— 5.0	— 4.5	— 4.0	—3.0	—3.0	—1.5	0	0	0	+3.0	+4.0	+ 4.5	+ 4.0	+ 3.0	+ 2.0	..	..
17	— 9.0	— 8.0	— 7.0	—5.0	—4.0	—2.0	0	0	0	0	—2.0	— 3.0	— 5.0	..	..	..	..
18	—10.0	— 7.25	— 5.5	—2.0	—0.75	0	0	0	+1.0	+1.0	—0.5	— 2.75	— 6.0	—10.0	..	..	..
19	— 8.0	— 6.0	— 4.5	—3.0	—2.0	—0.5	0	0	0	—2.0	—3.0	— 4.5	— 6.0	— 7.5	— 9.0	—10.25	..
20	..	..	..	—9.5	—6.0	—1.0	0	0	0	—0.25	—1.25	— 3.5	— 7.0	..	..	..	..
21	..	..	— 5.0	—2.5	—1.5	0	0	0	—1.5	—1.0	0	— 8.0	..	..	..	..	..
22	..	..	..	—8.0	—6.5	—2.0	0	0	0	0	0	— 1.0	— 5.0	—10.75	..	..	..
23	..	— 5.0	— 3.5	—2.75	—1.25	0	0	0	0	0	0	0	0	— 1.0	— 1.1	— 1.5	—9.0
24	— 0.5	— 0.25	0	0	0	0	0	0	0	—0.8	—1.7	— 2.5	— 3.25	— 4.7	— 6.0	— 8.5	..

N. B.—No. 24 transmitter only without studio equipment.

Standard Equipment

Station No.	40	50	60	80	100	200	500	1000	2000	3000	4000	5000	6000	7000	8000	9000	10000
25	— 3.0	— 2.0	— 2.0	—1.5	—1.25	0	0	0	0	0	0	0	0	0	0	— 1.0	—2.0
26	— 8.0	— 6.0	— 4.0	—2.0	—1.5	—1.25	0	0	+1.0	+2.0	+1.0	0	— 1.0	— 3.0	—10.0	..	..
27	— 3.0	— 2.0	— 1.5	—0.75	0	0	0	0	0	0	0	0	0	0	0	— 0.5	—1.0
28	—11.0	— 8.5	— 5.0	—3.0	—2.0	0	0	0	0	0	—1.0	— 6.0	—12.0	—19.0	..	..	..
29	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
30	..	— 6.0	— 3.0	—2.5	—1.5	0	0	0	0	0	0	0	0	— 1.0	— 1.0	— 2.0	..
31	— 6.0	— 5.5	— 5.0	—1.5	0	0	0	0	0	0	0	0	— 2.5	— 3.0	— 1.0	..	..
32	..	..	— 8.0	—4.75	—3.5	—1.5	0	0	0	+0.5	+1.25	— 2.0	0	— 3.8	—10.0	..	..
33	..	— 4.0	— 1.5	—1.5	—1.5	—0.75	0	0	+1.0	+2.0	+3.0	— 2.0	— 3.50	—10.0	..	..	..
34	— 3.0	— 1.75	— 1.0	—0.75	—0.5	0	0	0	0	0	0	0	— 1.25	— 4.0	— 7.0	—10.0	..
35	— 9.5	— 7.5	— 5.0	—3.75	—1.25	0	0	0	+0.5	+1.5	+2.25	+ 1.0	— 2.0	— 6.0	..	..	..
36	— 1.0	+ 5.0	+ 3.25	+1.25	+0.25	0	0	0	+0.5	+2.0	+2.5	+ 3.5	+ 2.0	+ 0.75	— 1.5	— 2.75	—5.0

TABLE NO. 3

Audio Harmonic Content of Output

Percentage of Modulation (Neg.)

Station No.	20	30	40	50	60	70	80	90
1	3.0	5.0	8.5	11.0	14.0	16.0	18.0	20.0
2	2.1	2.5	2.75	3.0	3.6	4.2	5.2	6.0
3	5.5	7.5	10.5	13.0	15.0	16.0	16.5	18.0
4	2.0	2.0	2.5	2.7	3.5	5	5.7	6.1
5	2.5	3.5	6.5	8.0	9.0	9.0	9.2	14.0
6	4.5	4.5	4.5	4.5	4.5	4.5	5.0	5.6
7	2.0	3.0	4.0	5.0	6.0	7.0	9.0	10.0
8	5.6	5.6	5.6	5.6	6.4	7.6	8.4	9.8
9	3.5	4.0	4.5	5.4	5.8	6.3	7.0	9.0
10	..	5.0	6.5	7.8	8.2	9.0	10.4	13.0
11	2.0	2.0	2.5	3.0	4.0	7.0	16.7	20.0
12	3.0	3.0	4.0	5.0	6.0	7.5	8.2	9.5
13	3.0	3.0	3.0	3.5	3.8	4.2	5.0	6.0
14	4.0	5.8	6.8	7.8	8.6	10.0	11.5	12.0
15	2.5	2.5	2.5	2.5	2.5	2.8	3.6	5.6
16	3.5	4.0	5.5	7.0	9.0	10.5	13.0	15.5
17	4.0	6.0	8.5	8.0	7.8	8.2	9.5	11.0
18	3.5	5.0	6.5	7.5	7.5	7.25	7.6	8.5

TABLE NO. 3

Audio Harmonic Content of Output

Percentage of Modulation (Neg.)

Station No.	20	30	40	50	60	70	80	90
19	1.0	1.0	1.0	1.25	1.9	2.1	2.5	3.5
20	2.25	3.0	5.0	5.7	5.8	5.5	5.7	6.5
21	..	..	..	..	..	..	..	..
22	4.0	5.2	6.0	6.8	7.4	7.8	8.2	9.0
23	4.5	5.2	6.0	6.6	7.0	7.6	8.7	9.5
24	3.0	4.0	4.6	4.8	5.2	5.7	5.7	6.2
25	10.0	12.0	14.5	14.0	14.0	14.0	14.0	15.0
26	5.0	7.0	9.5	11.5	14.0	16.0	18.0	19.5
27	1.0	1.0	1.1	1.7	2.4	2.9	3.5	3.8
28	5.0	5.0	5.0	5.0	5.0	5.0	6.0	7.8
29	5.0	5.0	5.5	8.5	13.0	17.0	20.0	23.0
30	4.0	6.5	9.0	10.0	11.5	12.5	13.4	14.5
31	5.0	7.5	11.0	16.0	18.5	22.0	25.0	30.0
32	3.0	3.1	3.3	3.8	4.0	5.0	8.5	19.0
33	3.0	3.9	5.1	6.3	7.5	8.1	9.6	..
34	3.0	3.5	5.0	8.0	10.5	13.5	16.0	19.5
35	4.0	5.2	6.5	8.6	11.8	14.0	20.5	..
36	3.7	5.6	8.0	10.9	13.8	17.0	20.7	25.7

FIGURE 1

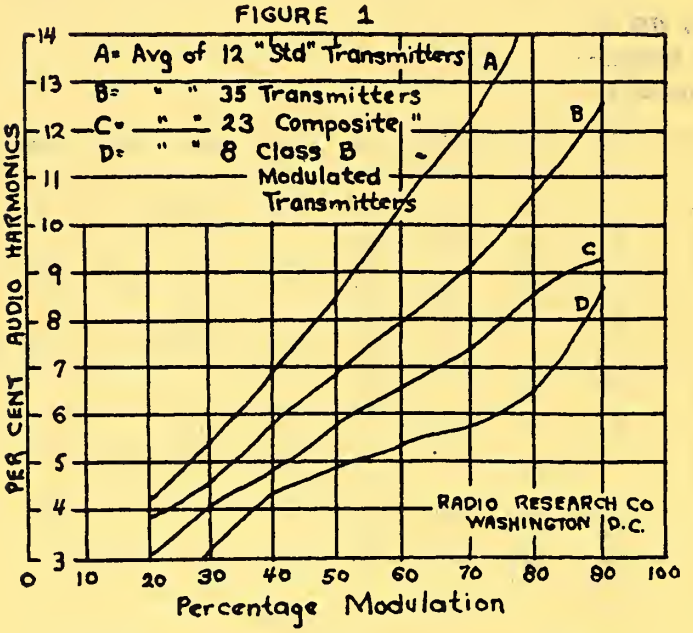
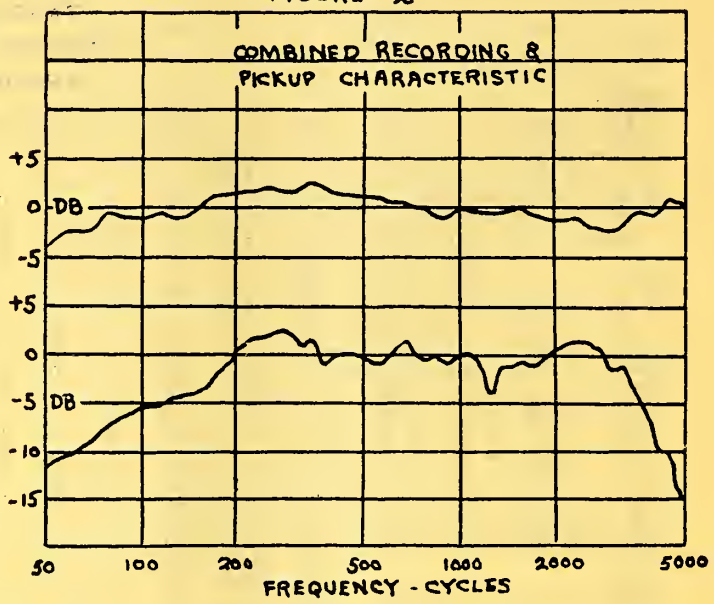


FIGURE 2



FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

Tuesday, November 13, 1934

KMLB—Liners Broadcasting Station, Inc., Monroe, La.—C. P., **630 kc.**, 250 watts, unlimited time. Present assignment, **1200 kc.**, 100 watts, unlimited time.

Thursday, November 15, 1934

WBNX—Standard Cahill Co., Inc., New York City.—Special experimental, authority, **1350 kc.**, 500 watts, shares WAWZ. Present assignment, **1350 kc.**, 250 watts, shares WAWZ. Also license to cover C. P., and renewal of license.

APPLICATIONS GRANTED

WLLH—Albert S. Moffat, Lowell, Mass.—Granted license to cover 1370 C. P., **1370 kc.**, 100 watts night, 250 watts day, specified hours.

KGHF—Curtis P. Ritchie, Pueblo, Colo.—Granted license covering 1320 C. P. covering changes in equipment and increase in night power from 250 to 500 watts; **1320 kc.**, unlimited time.

KVL—KVL, Inc., Seattle, Wash.—Granted license covering changes 1370 in equipment; **1370 kc.**, 100 watts, sharing with KRKO.

WSPD—Toledo Broadcasting Co., Toledo, Ohio.—Granted modifi- 1340 cation of C. P. extending completion date of C. P. from October 29, 1934, to January 29, 1935.

KECA—Earle C. Anthony, Inc., Los Angeles, Calif.—Granted modi- 1430 fication of C. P. extending completion date of C. P. from October 15, 1934, to December 15, 1934.

WSBT—South Bend Tribune, South Bend, Ind.—Granted modifica- 1230 tion of license to change hours of operation from specified to sharing with WGES.

WGES—Oak Leaves Broadcasting Station, Inc., Chicago, Ill.— 1230 Granted modification of license to change hours of operation from specified to sharing with WSBT.

SPECIAL AUTHORIZATIONS GRANTED

WLNH—Northern Broadcasting Co., Inc., Laconia, N. H.—Granted special temporary authorization to operate from 8 p. m., EST, November 6, to 2 a. m., EST, November 7, in order to broadcast election returns.

WISN—American Radio News Corp., Milwaukee, Wis.—Granted extension of special experimental authorization to use transmitter formerly licensed as main transmitter of WHAD as an auxiliary of WISN, to be operated with power of 250 watts, for period October 1 to November 29, 1934.

WPRO—Cherry & Webb Broadcasting Co., Providence, R. I.—
630 Granted special temporary authorization to operate without approved frequency monitor for a period not to exceed 30 days.

WHDF—Upper Michigan Broadcasting Co., Calumet, Mich.—Granted special temporary authorization to operate from 6:30 p. m. to 12 midnight, CST, November 6, 1934, in order to broadcast election returns.

KFJB—Marshall Electric Co., Inc., Marshalltown, Iowa.—Granted special temporary authorization to operate unlimited time for the period November 7 and ending not later than 3 a. m., EST, December 1, in order to broadcast political, religious and civic activities.

WRGA—Rome Broadcasting Corp., Rome, Ga.—Granted special temporary authorization to operate simultaneously with station WKEU from 3 to 4 p. m., CST, November 25, in order to broadcast Watchtower program with Judge Rutherford speaking.

KGCX—E. W. Krebsbach, Wolf Point, Mont.—Granted special temporary authorization to operate from 12 midnight, MST, November 6, to 6 a. m., MST, November 7, in order to broadcast election returns.

WFAS—Westchester Broadcasting Corp., White Plains, N. Y.—Granted special temporary authorization to operate simultaneously with WGNY from 2:30 to 3 p. m., EST, November 17 and 24, in order to broadcast football games.

KGBX—KGBX, Inc., Springfield, Mo.—Granted special temporary authorization to operate from 12 midnight, November 6, to 1 a. m., CST, November 7, in order to complete election returns.

WBSO—Broadcasting Service Organization, Inc., Needham, Mass.—Granted special temporary authorization to remain silent November 29 in order to observe Thanksgiving Day, and December 25 in order to observe Christmas Day.

WTRC—Truth Radio Corp., Elkhart, Ind.—Granted special temporary authorization to operate simultaneously with station WLBC for period beginning 7:30 p. m., CST, November 6, and ending 1 a. m., CST, November 7, in order to broadcast election returns.

KGY—KGY, Inc., Olympia, Wash.—Granted special temporary authorization to operate from 11 p. m., PST, November 6, to 2:30 a. m., PST, November 7, in order to broadcast election returns.

KIDW—The Lamar Broadcasting Co., Lamar, Colo.—Granted special temporary authorization to operate simultaneously with KGIW from 10 a. m. to 12:30 p. m., MST, for the period beginning November 8 and ending not later than December 8, 1934.

MISCELLANEOUS

On motion of Commissioner Sykes, the Commission reconsidered and granted by a unanimous vote the application of WLBW to move station from Erie, Pa., to Dayton, Ohio, and to assign license to the Miami Valley Broadcasting Corp. The transmitter site is subject to the approval of the Commission.

WGLC—The Adirondack Broadcasting Co., Hudson Falls, N. Y.—
1370 Granted a regular renewal license as application for facilities made by Harold E. Smith has been dismissed at Smith's request.

WJW—WJW, Inc., Akron, Ohio.—Suspended grant and designated
1210 for hearing application for C. P. to increase daytime power from 100 watts to 250 watts because of the protest of station WHBC, Canton, Ohio.

NEW—Patrick J. Goode, New Haven, Conn.—Denied petition to
970 reconsider application for new station at New Haven to operate on **970 kc.**, 250 watts.

KOL—Seattle Broadcasting Co., Inc., Seattle, Wash.—Denied re-
850 quest for continuance of a hearing now set for November 14, 1934, to change frequency from **1270 kc.** to **850 kc.** on a special experimental basis.

WMEX—The Northern Corp., Chelsea, Mass.—Denied special tem-
1500 porary authorization to operate with additional power of 150 watts night for period beginning November 7 and ending not later than November 21, 1934.

SET FOR HEARING

WRDW—Musicove, Inc., Augusta, Ga.—Voluntary assignment of
1370 license from Musicove, Inc., to Augusta Broadcasting Co.

NEW—Joseph M. Kirby, Boston, Mass.—Set for hearing amended
1120 application for a new station at Boston to operate on **1120 kc.**, with 250 watts night, 500 watts day, unlimited time.

APPLICATIONS DISMISSED

The following applications, heretofore designated for hearing, were dismissed at the request of applicants:

KTAT—KTAT Broadcast Co., Inc., Fort Worth, Tex.—Special
970 experimental authorization, 970 kc., 1 KW night and 1 KW LS, unlimited time.

NEW—The Journal Co. (Milwaukee Journal), Milwaukee, Wis.—
620 Authority to use frequency requested for high-speed facsimile and transmitter of WTMJ, **620 kc.**, 1 KW 12 midnight to 6 a. m.

KWEA—International Broadcasting Corp., Shreveport, La.—C. P.
1500 to move transmitter and studio to Baton Rouge, La.; **1500 kc.**, 100 watts night, 100 watts day, unlimited time.

NEW—Samuel L. Finn, Dayton, Ohio.—C. P. to erect a new station
1250 in Dayton, Ohio; **1250 kc.**, 250 watts night and day, unlimited time.

ORAL ARGUMENT GRANTED

WKZO—WKZO, Inc., Kalamazoo, Mich.—Granted oral argument before the Broadcast Division to be held November 19, 1934.

APPLICATIONS RECEIVED

First Zone

NEW—Bamberger Broadcasting Service, Inc. (to be determined).—Construction permit for a general experimental broadcast station on **41000, 38600, 35600, 31600 kc.**, 1 KW, A1-A3.

Atlantic Broadcasting Corp., New York, N. Y.—Authority to transmit sustaining programs to CKLW, Windsor; CKAC, Montreal; CFRB, Toronto, on Columbia network.

NEW—Palmer Broadcasting Syndicate, Inc., Wilmington, Del.—
1210 Construction permit for new station on **1210 kc.**, 100 watts, unlimited; transmitter and studio sites to be determined at Lewiston, Maine.

NEW—Wodaam Corporation, Newark, N. J.—Modification of
1250 license to increase daytime power from 2½ KW to 5 KW.

WEEI—Edison Electric Illuminating Company of Boston, Boston,
590 Mass.—Construction permit for installation of new equipment, and change power from 1 KW to 5 KW, day and night.

WBNX—Standard Cahill Co., Inc., Bronx, N. Y.—Construction
1350 permit to install new equipment, increase day power from 250 watts to 2½ KW.

NEW—Philip J. Wiseman, Lewiston, Maine.—Construction permit
1210 for new station to be operated on **1210 kc.**, 100 watts power, unlimited time. Studio located at Pine St., No. 40, Lewiston, Maine; transmitter, Dewitt Hotel, Pine St., Lewiston, Maine. *Amended:* Transmitter site changed to Webber Avenue, near Lewiston reservoir, Lewiston, Maine.

W8XAI—Stromberg Carlson Tel. Mfg. Co., Rochester, N. Y.—Modification of construction permit, extension of completion date to 12-1-34.

NEW—City of New York, Dept. of Plant and Structures, New York, N. Y.—Construction permit for one frequency between **17760** and **17800**; 100 watts, A3.

WNBF—Howitt-Wood Radio Co., Inc., Binghamton, N. Y.—
1500 Construction permit to increase power from 100 watts to 100 watts night, 250 watts day, and make changes in equipment.

WTAG—Worcester Telegram Publishing Company, Inc., Worcester,
580 Mass.—Special experimental authorization to operate on **580 kc.**, 1 KW power, unlimited time, for a period ending 3-1-35.

WNEL—Juan Piza, San Juan, Puerto Rico.—License to cover con-
1290 struction permit (1-P-B-2848) as modified.

WNBZ—Earl J. Smith and Wm. Mace, d/b as Smith & Mace,
1290 Saranac Lake, N. Y.—Construction permit to install new equipment and increase power from 50 watts day to 100 watts daytime.

WFEA—New Hampshire Broadcasting Co., Manchester, N. H.—
1340 Special experimental authorization to increase night power from 500 watts to 1 KW, for period ending May 1, 1935.

Second Zone

WKRC—WKRC, Inc., Cincinnati, Ohio.—Modification of con-
550 struction permit (2-P-B-3282) to extend completion date to 1-29-35.

WLVA—Lynchburg Broadcasting Corp., Lynchburg, Va.—License
1200 to cover construction permit (B-2-P-32) to increase power and make equipment changes.

KGRS—E. B. Gish (Gish Radio Service), Amarillo, Tex.—License
1410 to cover construction permit (3-PB-3319) to install new equipment and increase power.

WLBW—Miami Valley Broadcasting Corp., Dayton, Ohio.—Con-
1260 struction permit to move studio from Lawrence Hotel, Erie, Pa., to 39 S. Ludlow St., Dayton, Ohio; move transmitter from Hershey and Robertson Roads, Summit Township, Pa., to site to be determined, Dayton, Ohio; install new equipment. *Amended:* 10-25-34, re equipment; move transmitter to Montgomery County, outside of Dayton, Ohio.

NEW—Brothers and England (L. C. Brothers and H. P. England),
1370 Mansfield, Ohio.—Construction permit for new station, **1370 kc.,** 100 watts, unlimited time. Studio and transmitter, Westside Public Square, Mansfield, Ohio. *Amended:* **1300 kc.,** 250 watts; studio and transmitter, Richland Bank Building, Mansfield, Ohio.

WHJB—Pittsburgh Radio Supply House, Greensburgh, Pa.—
620 License to cover construction permit (B2-P-3090) to erect new station on **620 kc.,** 250 watts, daytime, and extend commencement and completion dates.

WIBM—WIBM, Inc., Jackson, Mich.—License to cover construc-
1370 tion permit (B2-P-21) to increase power from 100 watts to 100 watts night and 250 watts daytime, and make equipment changes.

WCAE—WCAE, Inc., Pittsburgh, Pa.—Construction permit to in-
1220 stall new equipment and increase day power from 1 KW to 5 KW.

WHK—Radio Air Service Corp., Cleveland, Ohio.—Modification
1390 of license to increase power from 1 KW and 2½ KW to 1 KW night and 5 KW day.

WHK—Radio Air Service Corp., Cleveland, Ohio.—Modification
1390 of license to increase power from 1 KW night and 2½ KW day to 5 KW day and night.

WPHR—WLBG, Inc., Petersburg, Va.—Modification of construc-
880 tion permit (2-P-B-3291) to extend commencement date to 12-15-34 and completion date to 1-15-35.

Third Zone

KARK—Arkansas Radio and Equipment Co., Little Rock, Ark.—
890 Construction permit to install new equipment, move transmitter, and change power from 250 watts night and 500 watts day to 1 KW day and night. (Request of applicant.)

NEW—Wilton E. Hall, Anderson, S. C.—Construction permit for
1200 a new station to be operated on **1200 kc.,** 100 watts, 250 watts, unlimited time. Transmitter and studio located at 112 East Market St., Anderson, S. C.

KADA—C. C. Morris, Ada, Okla.—License to cover construction
1200 permit (3-P-B-3149) as modified. Resubmitted and amended regard to equipment.

NEW—James M. Patterson, Jr., Stillwater, Okla.—Construction
1290 permit for new station on **1290 kc.,** 100 watts, daytime. Transmitter and studio located at Stillwater, Okla. *Amended,* changed frequency to **1210 kc.**

KARK—Arkansas Radio & Equipment Company, Little Rock,
890 Ark.—Construction permit to make equipment changes and increase power from 250 watts night, 500 watts day, to 500 watts night, 1 KW daytime.

WJBO—Baton Rouge Broadcasting Company, Inc., Baton Rouge,
1420 La.—Modification of construction permit (3-P-B-2743) as modified, to extend the completion date to 1-1-35.

NEW—William L. Waltman, Muskogee, Okla.—Construction per-
1200 mit to erect a new broadcast station on **1200 kc.,** 100 watts, daytime. Studio located at Fifth and Wall Sts., Hotel Severs, Muskogee, Okla., and transmitter located at Fifth and Wall Streets, Muskogee, Okla.

NEW—East Texas Broadcasting Company, Dallas, Tex.—Con-
1500 struction permit to erect a new broadcast station on **1500 kc.,** 100 watts power, specified hours of operation. Studio located at 1415 Main Street, Dallas, Tex.; transmitter located Trinity River Industrial Blvd., Dallas, Tex.

WJBO—Baton Rouge Broadcasting Co., Inc., Baton Rouge, La.—
1420 Voluntary assignment of license to Capital City Press, of Baton Rouge, La. Requests call letters of WBRG.

WMC—WMC, Inc., Memphis, Tenn.—Voluntary assignment of
780 license to Memphis Commercial Appeal, Inc.

NEW—David Parmer, Atlanta, Ga.—Construction permit for new
1370 station on **1370 kc.,** 100 watts power night, 250 watts power daytime, unlimited time. Studio and transmitter, 660 Peachtree St., Atlanta, Ga. Requesting facilities of radio station WJTL.

NEW—Pope Foster, Mobile, Ala.—Construction permit for new
1200 station on **1200 kc.,** 100 watts power, daytime. Studio and transmitter on Cawthon Hotel, corner St. Francis and Conception Sts., Mobile, Ala.

Fourth Zone

KYW—Westinghouse Electric & Manufacturing Co., Chicopee
1020 Falls, Mass.—Modification of construction permit (2-MP-B-521) to extend completion date to 1-10-35.

NEW—W. R. Cramer and G. A. Anderson, d/b as Omaha Broad-
1200 casting Co., Omaha, Nebr.—Construction permit to erect a new station to be operated on **1200 kc.,** 100 watts power, unlimited time. Transmitter located at Washington and So. 36th St., Omaha, Nebr.; studio located at Paxton Hotel, 14th and Farnam Sts., Omaha, Nebr.

NEW—Wm. H. West, St. Louis, Mo.—Construction permit for new
1200 station on **1200 kc.,** 100 watts power, unlimited time. Studio and transmitter location to be determined, St. Louis, Mo. (Contingent on the granting of B4-P-142, Radio Station WIL.)

KSTP—National Battery Broadcasting Co., St. Paul, Minn.—
1460 Modification of special experimental authority to change night power from 10 KW to 25 KW.

WDGY—Dr. George W. Young, Minneapolis, Minn.—Construc-
1180 tion permit to increase daytime power from 2½ KW to 5 KW and make changes in equipment. Consideration under Rule 6 (g).

KMBC—Midland Broadcasting Co., Kansas City, Mo.—Modifica-
950 tion of license to use present licensed auxiliary transmitter as regular transmitter for nighttime operation.

NEW—D. E. Kendrick and W. E. Vogelback, Indianapolis, Ind.—
850 Construction permit for a new station to be operated on **850 kc.,** 5 KW power, unlimited time. Transmitter location, Crawfordsville Road, Highway 52, 1 mile northwest of Clermont, Ind. Studio located at 540½ North Meridian, Indianapolis, Ind.

WIBU—Wm. C. Forrest, Poynette, Wis.—Construction permit to
1210 install new equipment, increase day power from 100 watts to 250 watts.

KWK—Thomas Patrick, Inc., St. Louis, Mo.—Construction permit
1350 to make changes in equipment, increase day power from 2½ KW to 5 KW.

NEW—National Battery Broadcasting Company, St. Paul, Minn.—
680 Construction permit to erect a new broadcast station to be operated on **680 kc.,** 500 watts night and 1 KW daytime, unlimited time. Transmitter location to be determined, St. Paul, Minn. Studio location, St. Paul Hotel, St. Paul, Minn.

KWCR—Cedar Rapids Broadcast Co., Des Moines, Iowa.—Con-
1430 struction permit to move transmitter from 3rd Ave. and 3rd St., Cedar Rapids, Iowa, to site to be determined near Des Moines, Iowa; and studio from Montrose Hotel, 3rd Ave. and 3rd St., Cedar Rapids, Iowa, to 715 Locust St., Cedar Rapids, Iowa.

WEBC—Head of the Lakes Broadcasting Company, Superior,
1290 Wis.—Construction permit to increase power from 1 KW night, 2½ KW daytime, to 1 KW night, 5 KW daytime, and make change in equipment.

WIBW—Topeka Broadcasting Association, Inc., Topeka, Kans.—
580 Modification of construction permit (4B-P-57) to increase power from 1 KW night, 2½ KW day, to 1 KW night and 5 KW day.

NEW—Southern Minnesota Broadcasting Co., Rochester, Minn.—
1310 Construction permit for new station to be erected on **1310 kc.,** 100 watts power, unlimited time. Studio and transmitter sites to be determined, Rochester, Minn.

WMT—Waterloo Broadcasting Co., Des Moines, Iowa.—Construc-
620 tion permit to change location of transmitter from approximately 5 miles from Waterloo, Iowa, to site to be determined near Cedar Rapids, Iowa, and the studio from Third and Lafayette Sts., Waterloo, Iowa, to 3rd Ave. and 3rd St., Cedar Rapids, Iowa.

Fifth Zone

KID—KID Broadcasting Co., Inc., Idaho Falls, Idaho.—Modifi-
1320 cation of license to increase nighttime power from 250 watts to 500 watts. *Amended:* Change power from 250 watts night, 500 watts day, to 500 watts night and 1 KW day.

KLO—Interstate Broadcasting Corp, Ogden, Utah.—Construction
1400 permit to make changes in equipment. (Signature, 15(d), transmitter and geographical location.)

KOIN—KOIN, Inc., Portland, Oreg.—Construction permits to in-
940 crease day power to 5 KW, install new equipment. Considered under Rule 6. (Request of applicant.)

KJBS—Julius Brunton & Sons Co., San Francisco, Calif.—Modi-
1070 fication of license to change hours of operation from specified hours to unlimited time.

KHJ—Don Lee Broadcasting System, Los Angeles, Calif.—Modi-
900 fication of construction permit (5-P-B-3199) as modified to increase daytime power from 2½ KW to 5 KW.

KGAR—Tucson Motor Service Co., Tucson, Ariz.—Modification
1450 of license to change frequency from **1370 kc.** to **1450 kc.**, increase nighttime power from 100 watts to 250 watts.

KFSG—Echo Park Evangelistic Association, Los Angeles, Calif.—
1120 Modification of license (B-5-R-15) to increase day power from 500 watts to 1 KW.

NEW—Northern California Amusement Co., Inc., Yreka, Calif.—
1500 Construction permit for a new station for **1500 kc.**, 100 watts power, unlimited time, transmitter and studio located at Broadway Street, Yreka, Calif.

KGA—Louis Wasmer, Spokane, Wash.—Modification of license to
950 change frequency from **1470 kc.** to **950 kc.**, change power from 5 KW day and night to 1 KW night and 5 KW daytime.

KHQ—Louis Wasmer, Inc., Spokane, Wash.—Modification of
590 license to increase power from 1 KW to 2 KW-LS to 5 KW day and night.

NEW—Hauser Radio Co., C. R. Hauser & John McGinnis, Ven-
1160 tura, Calif.—Construction permit for a new radio station to be operated on **1160 kc.**, 100 watts power, daytime operation. Transmitter and studio located at 487 Main Street, Ventura, Calif. *Amended:* Regard to equipment, change power from 100 watts day to 100 watts day and night and change frequency from **1160** to **1210 kc.**, change hours of operation from daytime to unlimited.

KFRC—Don Lee Broadcasting System, San Francisco, Calif.—
610 Modification of construction permit (5-P-B-3200) as modified to increase day power from 2½ KW to 5 KW.

KGW—Oregonian Publishing Co., Portland, Oreg.—Modification
620 of construction permit (B-5-P-3106) as modified to increase day power from 2½ KW to 5 KW.

NEW—Richard Field Lewis, Del Monte, Calif.—Construction per-
1210 mit to erect a new broadcast station to be operated on **1210 kc.**, 100 watts power, daytime operation; to be considered under Rule 6. Transmitter and studio located at Del Monte Hotel, Del Monte, Calif. *Amended:* 10-15-34 to request unlimited time and 100 watt power for nighttime operation.

KLO—Interstate Broadcasting Corp., Ogden, Utah.—Construction
1400 permit to make changes in the equipment. *Amended:* In regard to equipment.

NEW—Fred L. Packard, A. Rosenberg, Los Angeles, Calif. (West-
1160 wood Village).—Construction permit for a new broadcast station to be operated on **1160 kc.**, 100 watts power, limited time. Studio: Recreation and Masonic Club, Westwood Village, Los Angeles, Calif. Transmitter site to be determined, Westwood Village, Los Angeles, Calif.

NEW—The Close-Up Publishing Co., Bell., Calif.—Construction
1070 permit for a new station to be operated on **1070 kc.**, 100 watts power, daytime. Studio and transmitter at 4313 E. Gage, Bell, Calif.

KPCB—Queen City Broadcasting Co., Seattle, Wash.—License to
710 cover construction permit (5-P-B-3160) as modified to install new equipment and increase power.

KPCB—Queen City Broadcasting Co., Seattle, Wash.—Modification
710 of special experimental authorization to operate with 250 watts power on **710 kc.**

KFIO—Spokane Broadcasting Corp., Spokane, Wash.—Construc-
1120 tion permit to move transmitter locally from 213 Riverside Ave. to 526 Riverside Ave., Spokane, Wash. *Amended:* Move studio from 213 Riverside Ave. to 526 W. Riverside Ave., Spokane, Wash.

KUJ—KUJ, Inc., Walla Walla, Wash.—Extension of special ex-
1370 perimental authorization for period ending July 1, 1935.

APPLICATIONS RETURNED

NEW—W. L. Gleason, Sacramento, Calif.—Special experimental
1490 authorization to erect a new station on **1490 kc.**, 5 KW power, unlimited time. Transmitter located over 6 miles south of city of Sacramento, Calif., on Sacramento River. Studio location to be determined, Sacramento, Calif. *Amended:* To request limited time. (Rule 5.)

NEW—General Television Corp., Boston, Mass.—Construction
1570 permit for experimental broadcast station **1570 kc.**, 1 KW, variable. (Returned, Rule 49.)

WGCM—Grace Jones Stewart under trade name of Great South-
1210 ern Land, No. (Not Inc.), Gulfport, Miss.—Special experimental authorization to operate with additional 150 watts night and changes in specified hours of operation. (Request of applicant.)

KHQ—Louis Wasmer, Inc., Spokane, Wash.—Modification of
590 license to increase power from 2 KW day to 5 KW. (Request of attorney.)

NEW—Harold Thomas, New Britain, Conn.—Construction permit
930 for a new station to be operated on **930 kc.**, 100 watts power, daytime operation. Transmitter and studio location to be determined, New Britain, Conn. (Rule 120.)

NEW—Mildred English and Genevieve C. Wilson d/b as Dallas
1210 Broadcasting Co., Dallas, Tex.—Construction permit for a new broadcast station to be operated on **1210 kc.**, 100 watts, daytime. Shares with KNOW. Studio and transmitter: 1610 Ross Ave., Dallas, Tex. (Superseded by application No. B-3-P-166.)

WSGN—R. B. Broyles, Tr. as R. B. Broyles Furniture Co., Bir-
1310 mingham, Ala.—License to cover construction permit (3-P-B-3034) as modified to increase power and make change in authorized equipment. (Signature.)

KCMC—North Mississippi Broadcast Corp., Texarkana, Ark.—
1420 Construction permit to increase power from 100 watts to 1 KW and install new equipment. (Power and transmitter site.)

NEW—George H. Johnson, Helena, Mont.—Construction permit
1420 for new station on **1420 kc.**, 100 or 250 watts power night, 250 watts day, unlimited. Transmitter and studio Adj. Intermountain Union.

The National Association of Broadcasters

NATIONAL PRESS BUILDING ★ ★ ★ ★ ★ WASHINGTON, D. C.

PHILIP G. LOUCKS, Managing Director

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GREEN WITHDRAWS LABOR RESOLUTIONS

On Monday of this week, at the closing session of the hearing before the Federal Communications Commission to determine the advisability of setting aside by statute a fixed percentage of broadcasting facilities for use of religious, educational, labor, and non-profit organizations, William Green, president of the American Federation of Labor, formally withdrew previous testimony offered by William C. Hushing, AFL legislative representative.

Mr. Hushing had placed in the record resolutions passed by the San Francisco American Federation of Labor convention relating to broadcasting. One of these resolutions was to the effect that AFL expected to broadcast 30 radio programs per year in an attempt to promote labor unionization; another which included the recommendation that the AFL insist that 50 per cent of all radio facilities be allocated to organizations operating on a non-profit basis; and the third resolution recommending that the AFL protest the continuance in office of any Commissioner voting to surrender more than 50 per cent of the radio facilities to commercial broadcasting.

Mr. Green explained that "Mr. Hushing was not fully informed as to the action of the Executive Council following the adjournment of the convention. The Council, after giving consideration to the resolutions and the action of the convention, referred them to me, as president, for such action as I might decide to take. I had decided, in conformity with that decision of the Executive Council, to withhold the submission of these resolutions to the Commission. For that reason I now wish to formally withdraw these resolutions from further consideration by the Commission."

Parties to the hearing may file briefs on or before November 26.

The brief to be filed on behalf of the National Association of Broadcasters, now being prepared by Henry A. Bellows, will be ready for printing within several days. Copies of this brief will be furnished to NAB members at approximately the time of its filing with the Communications Commission.

CODE AUTHORITY MEETS

The Code Authority for the Radio Broadcasting Industry will hold a meeting at 10 a. m., Thursday, November 15, at the National Press Building in Washington, D. C. It will have on its agenda, among other things, the several resolutions adopted at the open code meeting held in Cincinnati, Ohio, on September 20.

SECURITIES ACT REGISTRATION

The following companies have filed registration statements with the Securities and Exchange Commission under the Securities Act:

Crystal Mines Company, Augusta, Me. (2-1173, Form E-1)
Percy Cowan et al., Chicago, Ill. (2-1174, Form D-1)
Oklahoma Day Trust, Tulsa, Okla. (2-1175, Form A-1)
American Credit Corporation, Oakland, Calif. (2-1176, Form A-1)
Virginia City Mining Company, Butte, Mont. (2-1177, Form A-1)
Royalty Depositor Corporation, Jersey City, N. J. (2-1178, Form C-1)
Real Del Monte Metals Company, Carrizozo, New Mexico. (2-1179, Form A-1)
B. Woodruff Weaver et al., Washington, D. C. (2-1180, Form D-1)

BRITISH INVESTIGATE TELEVISION

A delegation of the British Government, consisting of Lord Selsdon, F. W. Phillips, Col. A. S. Angwin, and Noel Ashbridge (chief engineer, British Broadcasting Corp.), visited New York, Camden, and Washington last week to investigate American progress with television.

It was stated by members of the delegation that Britain is faced with a decision on television within the near future, and that it was their plan to collect as much information as possible relative to television's status in other countries to assist them in reaching a conclusion.

FEDERAL COMMUNICATIONS COMMISSION ACTION

Oral Argument Before the Broadcast Division

KGFK—Ex. Rept. No. 1-4: Red River Broadcasting Co., Inc., Duluth, Minn.—C. P., **1500 kc.,** 100 watts, unlimited time.

WWSW—Ex. Rept. No. 1-5: Walker & Downing Radio Corp., Pittsburgh, Pa.—C. P., **890 kc.,** 250 watts, 500 watts LS, unlimited time (facilities of WMMN). Present assignment, **1500 kc.,** 100 watts, 250 watts LS, unlimited time.

WMMN—A. M. Rowe, Inc., Fairmont, W. Va.—Renewal of license, **890 kc.,** 350 watts, 500 watts LS, unlimited time.

WKZO—Ex. Rept. No. 1-8: WKZO, Inc., Kalamazoo, Mich.—C. P., **590 kc.,** 250 watts, 1 KW LS, unlimited time. Present assignment, **590 kc.,** 1 KW, daytime.

APPLICATIONS GRANTED

NEW—Joseph M. Kirby, Boston, Mass.—Reconsidered and granted in part application for C. P. for a new radio station to operate daytime only on **1120 kc.,** 500 watts. The part requesting 250 watts night was left on the hearing docket. This action was taken on a motion by Commissioner Sykes, seconded by Commissioner Brown, and was carried unanimously.

NEW—Patrick H. Goode, New Haven, Conn.—Granted amended application to erect new broadcasting station to operate on **900 kc.,** 500 watts, daytime only. This action was taken on motion by Commissioner Sykes, seconded by Commissioner Brown, and was carried unanimously.

NEW—J. H. Speck, Santa Fe, N. Mex.—Granted C. P. for new station to operate on **1310 kc.,** 100 watts, unlimited time (site to be determined).

WKRC—WKRC, Inc., Cincinnati, Ohio.—Granted modification of C. P. extending commencement date to October 29, 1934, and completion date to January 29, 1935.

WPHR—WLBG, Inc., Petersburg, Va.—Granted modification of C. P. extending commencement date to December 15, 1934, and completion date to January 15, 1935.

KYW—Westinghouse E. & M. Co., Whitemarsh Twp., Pa.—Granted modification of C. P. extending completion date to January 10, 1935.

W9XK—University of Iowa, Iowa City, Iowa.—Granted C. P. to add another transmitter and change frequencies to include **42000-56000, 60000-86000 kc.,** and increase power to 100 watts. Also granted modification of license to include the frequencies in C. P. above.

W1XCW—Regan & Bostwick, Portable (St. Albans, Vt.).—Granted modification of general experimental C. P. to change equipment to crystal control and change frequency to **31100 kc.** in lieu of **40600 kc.**; increase power to 20 watts, and extend construction period to 90 days after commencement of construction.

W9XAI—Stromberg Carlson Tel. Mfg. Co., Rochester, N. Y.—Granted modification of C. P. to extend completion date to December 1, 1934.

SET FOR HEARING

NEW—Robert H. Fette, near Meriden, Minn.—C. P. for new station; **1310 kc.,** 100 watts, daytime.

NEW—KGBX, Inc., St. Joseph, Mo.—C. P. for new station; **1500 kc.,** 250 watts day, 100 watts night, unlimited time.

NEW—Arthur Westlund and Jules Cohn, Santa Rosa, Calif.—C. P. for new station; **1500 kc.,** 100 watts, unlimited time.

NEW—Wm. A. Schall, Carter Lake, Iowa; Studio, Omaha, Nebr.—C. P. for new station; **1420 kc.,** 100 watts, unlimited time.

WDAG—National Radio & Broadcasting Corp., Amarillo, Tex.—Modification of license to change frequency from **1410 kc.** to **1120 kc.**; hours from specified to unlimited.

MISCELLANEOUS

WWSW—Walker & Downing Radio Corp., Pittsburgh, Pa.—Denied petition of attorney for a continuance of the oral argument on Examiner's Report No. 1-3, set for November 19, 1934, before the Broadcast Division of the Commission.

WOWO—Woodmen of the World Life Ins. Association, Omaha, Nebr.—Granted petition to intervene and become a party to the application of Nellie H. and W. C. Morris, who seek a permit to locate and operate a studio and apparatus for the production of programs to be transmitted from Eagle Pass, Tex., to radio station XEPN, at Piedras Negras, Mexico.

WCSH—Congress Square Hotel Co., Portland, Me.—Granted permission to intervene in the application of the Eastern Broadcasting Co. for C. P. to construct a radio station at Portland, Me., to operate on **1210 kc.**, 100 watts, unlimited time.

WISN—American Radio News Corp., Wilwaukee, Wis.—Affirmed original grant increasing the daytime power to 1 KW following the withdrawal of the protest of WTMJ at Milwaukee.

Stations WBBR, WARD, WBBC, WVFW, WLTH, all of Brooklyn, N. Y.; WEVD, New York City; WHAZ, Troy, N. Y.; WFAB, New York City, Brooklyn Daily Eagle Broadcasting, Inc., Arde Bulova, and Norman K. Winston; all of the foregoing cases involving the frequency **1400 kc.**, set for hearing November 19, 1934, were continued to December 3, 1934, and the Commission designated Examiner George H. Hill to conduct the hearing.

W8XK—University of Iowa, Iowa City, Iowa.—Present license extended from November 1 to December 1, 1934; **2000-21000 kc.**, 100 watts.

APPLICATIONS DISMISSED

The following applications, heretofore set for hearing, were dismissed at the request of applicants:

NEW—Bamberger Broadcasting Service, Inc., Kearney, N. J.—Special experimental license to use transmitter of WOR between 12:30 and 6 a. m.; **710 kc.**, 2,500 to 5,000 watts.

KOL—Seattle Broadcasting Co., Seattle, Wash.—Special experimental authorization; **850 kc.**, 1 KW night, 2½ KW LS, unlimited time.

WCHS—Charleston Broadcasting Corp., Charleston, W. Va.—Modification of license, **580 kc.**, 1 KW night, 1 KW LS, unlimited.

WTAG—Worcester Telg. Pub. Co., Inc., Worcester, Mass.—Modification of license, **580 kc.**, 1 KW LS, 1 KW night, unlimited.

APPLICATIONS RECEIVED

First Zone

WBBR—Peoples Pulpit Association, Brooklyn, N. Y.—Construction permit to incrcease power from 1 KW to 1 KW night, 5 KW day, and make changes in equipment.

WFEA—New Hampshire Broadcasting Company, Manchester, N. H.—License to cover construction permit (1-MP-B-560) to increase day power from 500 watts to 1 KW.

WATR—The WATR Company, Inc., Waterbury, Conn.—Modification of license to change frequency from **1190 kc.** to **1200 kc.**, change power from 100 watts daytime to 100 watts day and night, hours of operation from daytime to unlimited.

WARD—United States Broadcasting Corp., Brooklyn, N. Y.—Voluntary assignment of license to Broadcasters of Brooklyn, Inc.

WVFW—Paramount Broadcasting Corp., Brooklyn, N. Y.—Voluntary assignment of license to Broadcasters of Brooklyn, Inc.

WLTH—Voice of Brooklyn, Inc., Brooklyn, N. Y.—Voluntary assignment of license to Broadcasters of Brooklyn, Inc.

WFEA—New Hampshire Broadcasting Co., Manchester, N. H.—Authority to determine operation power by direct measurement of antenna power.

W1XBS—American-Republican, Inc., near Waterbury, Conn.—License to cover construction permit for a new experimental broadcast station for **1530 kc.**, 1 KW power, unlimited time.

Second Zone

WCHS—Charleston Broadcasting Corp., Charleston, W. Va.—Special experimental authorization to increase night power from 500 watts to 1 KW, period ending 3-1-35.

WHAT—Independence Broadcasting Co., Inc., Philadelphia, Pa.—Modification of license requesting change in operating time from shares with WTEL 1/3 time to unlimited time, if and when WTEL vacates **1310 kc.**, WHAT not to operate when WCAM is operating.

WEHC—Community Broadcasting Corp., Charlottesville, Va.—License to cover construction permit to reduce maximum rated carrier power, change power, equipment, and hours of operation.

Third Zone

NEW—Attala Broadcasting Corp., Kosciusko, Miss.—Construction permit to erect a new broadcast station to be operated on **1210 kc.**, 100 watts power, unlimited time; transmitter and studio located Chamber of Commerce Building, Clarksdale, Mississippi.

NEW—Samuel Nathanuel Morris, Stamford, Tex.—Construction permit for a new broadcast station to be operated on **1420 kc.**, 100 watts power, specified hours; transmitter location, 2 miles east of town, Stamford, Tex.; studio located at Barrow Furniture Co., Stamford, Tex.

KWKH—International Broadcasting Corp., Shreveport, La.—Modification of special experimental authorization to extend time for period ending 2-1-35, to operate daytime with conventional non-directive antenna and nighttime unlimited time with directional antenna.

Fourth Zone

NEW—Salt City Broadcasting Co., Harold Bourell, Chester Gregory, R. M. Dalton, Hutchinson, Kans.—Construction permit to erect a new broadcast station to be operated on **1500 kc.**, 100 watts power, unlimited; transmitter and studio, 501 N. Main, Hutchinson, Kans.

KFJB—Marshall Electric Co., Inc., Marshalltown, Iowa.—Construction permit to install new equipment, change frequency from **1200 kc.** to **1230 kc.**, increase power from 100 watts and 250 watts daytime to 500 watts day and night, and change hours of operation from specified hours to unlimited time.

NEW—KGBX, Inc., Sedalia, Mo.—Construction permit to erect a new broadcast station to be operated on **1210 kc.**, 100 watts power night, 250 watts daytime, unlimited time; transmitter and studio locations to be determined, Sedalia, Mo.

NEW—Dr. Geo. W. Young, Minneapolis, Minn.—Construction permit to erect a new broadcast station to be operated on **1370 kc.**, 100 watts power, unlimited time; transmitter and studio location to be determined, Minneapolis, Minn.

NEW—Mississippi Valley Broadcasting Co., Inc., Hannibal, Mo.—Construction permit for new station for **1310 kc.**, 100 watts, 250 watts daytime, unlimited time; transmitter and studio locations to be determined, Hannibal, Mo.

KMBC—Midland Broadcasting Co., Kansas City, Mo.—Construction permit to install new equipment and increase power from 1 KW and 2½ KW daytime to 1 KW night, 5 KW daytime.

Fifth Zone

KIEM—Redwood Broadcasting Co., Inc., Eureka, Calif.—Construction permit to install new equipment, increase power from 100 watts to 500 watts, change frequency from **1210 kc.** to **1450 kc.**, move transmitter from Vance Hotel, Eureka, to McFarland Tract, outside of city limits of Eureka.

KALE—KALE, Inc., Portland, Oreg.—Modification of license to change frequency from **1300 kc.** to **1250 kc.**, change hours of operation from specified hours to unlimited.

E. R. Irey and F. M. Bowles, Portable.—Construction permit for **31100** and **40600 kc.**, 30 watts, A3-Emission, general experimental for broadcast pick-up.

KOL—Seattle Broadcasting Co., Inc., Seattle, Wash.—Modification of construction permit to extend completion date to 11-25-34.

KGDM—E. F. Peffer, Stockton, Calif.—Construction permit to install new equipment; move transmitter, the exact site to be determined in Stockton, 4 miles west of present site; increase power from 250 watts to 1 KW; increase time from daytime to unlimited. Amended re transmitter, located 5 miles from present location. Amended to 1 KW, daytime only.

KFWB—Warner Bros. Broadcasting Corp., Hollywood, Calif.—Construction permit to install new equipment, and increase day power from 2½ to 5 KW.

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PHILIP G. LOUCKS, Managing Director

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FCC TO INVESTIGATE A. T. & T. CO.

Commissioners Walker, Chairman, Case and Sykes, at a regular meeting of the Telephone Division of the Federal Communications Commission, held on the 14th day of Novemher, 1934, issued Order No. 11, as follows:

"The Telephone Division having under consideration Sections 215(a), 215(b), 215(c), 218 and 403 of the Communications Act of 1934, and it appearing that Section 215(a) requires that the Commission shall examine into transactions of telephone carriers relating to the furnishing of equipment, supplies, research, services, finances, credit, or personnel; that Section 215(h) requires that the Commission shall investigate the methods hy which and the extent to which wire telephone companies are furnishing wire telegraph service and wire telegraph companies are furnishing wire telephone service; that Section 215(c) requires the Commission to examine all contracts of carriers suhject to this Act which prevent the other party thereto from dealing with another common carrier suhject to this Act and shall make a report thereon to Congress; that Section 218 provides that the Commission may inquire into the management of the business of all carriers suhject to this Act, and shall keep itself informed as to the manner and method in which the same is conducted, and as to technical developments and improvements thereof; and that Section 403 authorizes the Commission to institute an inquiry, on its own motion, as to the foregoing:

"IT IS ORDERED, That the Division, on its own motion and without formal pleading, enter upon a proceeding of inquiry and investigation into and concerning such transactions, methods, contracts and management of the husiness of telephone carriers suhject to the Communications Act, for the purpose of making such a report to Congress, and for the further purpose of carrying out any provisions of the Communications Act and making such findings or issuing such orders as may be appropriate thereunder.

"IT IS FURTHER ORDERED, That copies of this Order shall he served upon all telephone carriers suhject to the Act, and that such carriers he made respondents to this proceeding; and that copies of said Order be sent to the Governor of each State and to each State regulatory hody having jurisdiction over telephone carriers.

"AND IT IS FURTHER ORDERED, That this proceeding he assigned for hearing at such times and places, and with respect to such transactions as the Commission hy order or puhlic notice may hereafter direct."

The Telephone Division of the Federal Communications Commission later issued the following statement in connection with its Order No. 11.

"1. It is proposed to make an investigation as speedily as funds and the organization of the Commission will permit, and with the minimum of inconvenience to persons concerned. To this end the Division announces the following tentative program:

"(A) The investigation and study of the corporate history and the financial structure of the American Telephone and Telegraph Company, including the connections and relationships with the associated Bell Companies and the other suhsidiaries of the American Telephone and Telegraph Company. This examination will also include suhsidiaries which manufacture equipment and supplies for the parent American Telephone and Telegraph Company and for the associated Bell Companies, including all suhsidiaries or related companies which affect the communications industry, under the jurisdiction of this Commission. The examination will include the financial arrangements hetween the American Telephone and Telegraph Company and its suhsidiaries, and the agreements, financial and otherwise, of the various subsidiaries with each other.

"(B) A general inquiry into the license and service contracts between the American Telephone and Telegraph Company and the various associated Bell Companies.

"(C) A general inquiry into the contracts between the American Telephone and Telegraph Company and the Western Electric Co., Inc., also the contracts hetween the Western Electric Co., Inc., and the associated Bell Companies.

"2. The initial investigation will include only the American Telephone and Telegraph Company and its associated or related companies or organizations, or services, or contracts, as outlined in the foregoing.

"3. Puhlic hearings will he had. That ample time may be provided for preparation, such puhlic hearings will not hegin until some time after January 1, 1935, and on dates to he announced hy the Division. Work of investigation by the Commission's staff, however, is expected to start forthwith.

"4. With the completion of the testimony of the witnesses of the American Telephone and Telegraph Company and its subsidiaries, the hearings will he adjourned and at some suhsequent date, not far removed, witnesses will be heard from the Independent Telephone Companies which come under the jurisdiction of the Communications Act. This inquiry will he directed at the financial structures, services, agreements, and contracts of the Independent Telephone Companies engaged in interstate commerce.

"5. The program of investigation will take into consideration the provisions of the Communications Act which authorizes cooperation with State Regulating Commissions.

"6. Other interested parties will be permitted to intervene and will he heard following the testimony of witnesses for the American Telephone and Telegraph Company and its suhsidiaries and for the Independent telephone companies, and suhsequent to a short adjournment following the testimony of witnesses for the Independent telephone companies.

"7. Interested parties, other than the telephone companies designated as respondents, may attend any or all of the hearings and participate therein.

"8. The facts and the data obtained through the investigation and through these puhlic hearings may he used as a basis for a special report to Congress and will be availahle for and will he considered in any future investigations of telephone rates, made hy this Commission."

CODE AUTHORITY MEETS

The Code Authority for the Radio Broadcasting Industry held a meeting in Washington, D. C., on Novemher 15th and 16th. An agreement was reached on the method of conducting an investigation of the hours of lahor and the wages of radio artists and performers as required hy Article VI, Section 3 of the Code.

Announcement of other actions taken by the Code Authority will he made shortly.

ROSENBLATT GETS ADDED DUTIES

The National Recovery Administration announced yesterday that Sol A. Rosenhlatt has heen appointed Director of Field Administration and Enforcement. Mr. Rosenhlatt will perform the duties of that office in addition to his duties as Division Administrator.

CLEAR CHANNEL INVESTIGATORS MEET

A second meeting of engineers and others interested in the Federal Communications Commission's investigation of secondary coverage will be held Friday, Novemher 23, at the Commission's offices.

Definite plans for the co-operative investigation will be formulated at the meeting, with the intention of proceeding with the field work as soon as possible.

CODE AUTHORITY BULLETIN PUBLISHED

James W. Baldwin, Executive Officer of the Code Authority for the Radio Broadcasting Industry, announced that he would mail Code Authority Bulletins 13, 14 and 15 to all stations during the present week. The Bulletins include, among other items, opinions on Cosmopolitan and American magazine programs.

With reference to the tenders made to various radio stations by Cosmopolitan magazine, the bulletin includes an excerpt of a letter addressed to Mr. Daniel Henderson, Director of Promotion, as follows:

"This is to inform you that we consider the terms and conditions contained in your letters to radio broadcasting stations for the presentation of Cosmopolitan Radio Dramas an attempt to frustrate the purpose and intent of the Code of Fair Competition for the Radio Broadcasting Industry, and radio broadcasting stations will be advised accordingly."

The bulletin adds that "the Code Authority has auditioned Program No. 1 entitled 'The American Magazine Program' and finds that the programs contain lines of definite commercial value to the American Magazine. Broadcasting stations and network companies are, therefore, directed to refuse to broadcast these programs on a sustaining basis."

MANAGING DIRECTOR HUNTS BEARS

Philip G. Loucks, NAB Managing Director, has been away from Washington during the past ten days on a hunting trip with Harry Shaw, former NAB president. He is expected to return November 26.

FCC REQUESTS $2,000,000

The Federal Communications Commission asked the Bureau of the Budget for an appropriation of $2,000,000 for the fiscal year beginning July 1, next.

It is understood that the Bureau refused that and at first allowed only $1,000,000 but that this was later raised to $1,500,000 where it is now understood to stand. There are officials of the Commission who feel that with that amount of money it will be impossible for the Commission to do an efficient job.

The Commission will also ask the coming session of Congress for some $500,000 for the period from January 1 to June 30, 1935, in addition to the appropriation which it now has under the old Federal Radio Commission. At this time some 70 additional employees have been taken into the new Commission as compared with the old Radio Commission. Additional personnel is still needed and will be added as the Commission's appropriations allow.

KFUO CELEBRATES

KFUO, St. Louis, will celebrate its tenth anniversary, Sunday, December 9, in a special broadcast from 3 to 4:30 P. M.

FCC ON INTERLOCKING DIRECTORATES

The Federal Communications Commission this week issued this statement:

"The Commission will regard the following as substantial compliance with the showing required by paragraph (c) 7 of Commission Order No. 4 as amended by Commission Order No. 6: (1) if the applicant is an officer, director, trustee, receiver, attorney or agent of any business corporation he must make a complete disclosure of such position and state the general character of the business conducted by such corporation; and (2) if the applicant has a financial interest in any corporation furnishing equipment, supplies, research, services, finances, credit or personnel, directly or indirectly, to any communication company, he must make a complete showing of his interest and state the general character of the business conducted by such corporation, only in cases where five per cent or more of such corporation's annual gross business consists of furnishing equipment, supplies, research, services, finances, credit and/or personnel, directly or indirectly to communications companies. If the applicant holds a position named in (1) in a corporation described in (2), he must make the disclosures called for in both (1) and (2).

"Regularly licensed and practicing attorneys will not be required under number (1) above to show clients represented by them, unless such client corporations are engaged in conducting a communications service as a common carrier or come within the description in number (2) above."

INFORMATION WANTED

Anyone having information concerning the whereabouts of Mr. L. W. Shilby and his associates, H. B. Lee, William Martin, Owen Ray, Dan Delano and Grant Schaeffer (or Mr. Grant) is requested to communicate with NAB headquarters.

AAAA BULLETIN PUBLISHED

Frederic R. Gamble, executive secretary of the American Association of Advertising Agencies, announced this week the publishing of Section C, "Market and Newspaper Statistics," Volume III. Section C deals with the 46 cities having more than 100,000 population having ABC Audit Reports for periods ending March 31, 1934.

Section C is similar in form to Sections A and B, which covered, respectively, the 27 cities having audits to September 30, 1933, and the 22 cities having audits to December 31, 1933. All sections are loose-leaf and can be secured under one cover.

The studies contain figures on population, number of families, English reading persons, income tax reports, audited newspaper circulation, local rates, national rates, and the differential between local and national rates, lineage, and an analysis of sections of ABC Audit Reports dealing with inducements.

"Market and Newspaper Statistics" is a part of a program for the advancement of newspaper advertising being conducted by the AAAA Committee on Newspapers.

Copies of Sections A and B are available to other than AAAA members at $2.50 per section, and Section C is available at $5.00, the approximate cost of production.

A. N. A. ON AGENCY COMMISSIONS

According to "Editor and Publisher," Albert E. Haase has recently completed a report for the Association of National Advertisers on the advertising agency commission system, which was summarized as follows:

"1. Advertising agent is agent of advertiser only . . . owes the advertiser an undivided loyalty.

"2. Advertiser pays the agency. . . . The money flows directly from the advertiser through the agent to the medium.

"3. Agents set present rate of compensation. . . . The owners of advertising mediums are not of prevailing importance in determining the rate. They have been influenced and guided in their decision by agents.

"4. Major fault of discount system (commission system) is its seeming rigidity. . . . No single factor has done more . . . to create an outward show of resistance to change . . . than the improper use of the word 'rebate.'

"5. Discount system has been modified in actual business practice . . . four basic arrangements are now in use.

"6. Advertiser is free to make any terms he wishes with advertising agent. . . . The agent cannot, legally or ethically, accept the obligation of serving as the advertiser's agent, if he is already bound by, or, if he afterwards signs an agreement with, advertising mediums or others which conflict with his obligation to his principal—the advertiser. . . . Any single agent or owner of an advertising medium can, with perfect safety, set down terms upon which he will do business, but when he undertakes to prescribe a course of conduct for businesses other than his own, then he is confronted with the highly important question of restraint of trade. . . . There is no need for the sudden overthrow of the discount system as a cover-all system. As advertisers, agents and mediums come to know and understand their own rights and duties and act accordingly, this cover-all system will, in all probability, gradually disappear without injury to anyone."

SECURITIES ACT REGISTRATION

The following companies have filed registration statements with the Securities and Exchange Commission under the Securities Act:

Fundamerican Corporation, New York. (2-1181, Form C-1)

Protective Committee for Choctaw, Oklahoma & Gulf Railroad Company, and Choctow & Memphis Railroad Company. (2-1181, Form D-1)

Bondholders Protective Committee of Follansbee Brothers Company. (2-1183, Form D-1)

Larkins-Warr Trust, Tulsa, Okla. (2-1184, Form A-1)

Southwest Investment Trust, Tulsa, Okla. (2-1185, Form A-1)

Bondholders Protective Committee of Herald Square Building, New York City. (2-1186, Form A-1)

Plymouth Consolidated Gold Mines, Ltd., Wilmington, Del. (2-1187, Form A-1)

Farmers Manufacturing Company, Norfolk, Va. (2-1188, Form D-1A)

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

KTUL—Tulsa Broadcasting Co., Inc., Tulsa, Okla.—Modification of license, **1400 kc.,** 500 watts, unlimited time. Present assignment: **1400 kc.,** 250 watts, 500 watts LS, unlimited time.

APPLICATIONS GRANTED

WHBF—Rock Island Broadcasting Co., Rock Island, Ill.—Granted **1210** C. P. to make changes in equipment and increase day power from 100 to 250 watts.

WHBY—WHBY, Inc., Green Bay, Wis.—Granted C. P. to install **1200** new equipment and increase day power from 100 to 250 watts.

WJBO—Baton Rouge Broadcasting Co., Inc., Baton Rouge, La.—**1420** Granted modification of C. P. to extend completion date from December 1, 1934, to February 1, 1935.

KOL—Seattle Broadcasting Co., Inc., Seattle, Wash.—Granted **1270** modification of C. P. to extend completion date to December 25, 1934.

WTAR—WTAR Radio Corp., Norfolk, Va.—Granted modification **780** of license to increase day power from 500 watts to 1 KW.

KVOA—Arizona Broadcasting Co., Tucson, Ariz.—Granted modifi-**1260** cation of license to change hours of operation from specified to unlimited.

WDSU—Joseph H. Uhalt, New Orleans, La.—Granted voluntary **1250** assignment of license to WDSU, Inc.

WAGF—Dothan Broadcasting Co., Dotha, Ala.—Granted special **1370** experimental authorization to operate from LS to 6:30 p. m. daily until January 1, 1935.

SET FOR HEARING

NEW—Jackson D. Magenau, Erie, Pa.—C. P. for new station; **1370** **1370 kc.,** 100 watts, unlimited time, location to be determined.

NEW—John G. Curtis, Erie, Pa.—C. P. for new station; **1370 kc.,** **1370** 100 watts, unlimited time, location to be determined in Erie.

NEW—F. L. Whitesell, Forty Fort, Pa.—C. P., **930 kc.,** 500 watts, **930** daytime only.

NEW—E. B. Gish (Gish Radio Service), Abilene, Tex.—C. P., **1420** **1420 kc.,** 100 watts, unlimited time (transmitter site to be determined).

WIL—Missouri Broadcasting Corp., St. Louis, Mo.—C. P. to change **1250** equipment, change frequency from **1200 kc.** to **1250 kc.,** increase power from 100 watts night, 250 watts LS, to 250 watts night, 500 watts LS.

NEW—J. C. and E. W. Lee (Riverside Broadcasting Co.), River-**820** side, Calif.—C. P., **820 kc.,** 100 watts, limited time.

NEW—Radio Service, Inc., Redlands, Calif.—Construction permit, **820** **820 kc.,** 100 watts, daytime.

WOKO—WOKO, Inc., Albany, N. Y.—Modification of license to **1430** increase night power from 500 watts to 1 KW; requests consideration under Rule 6 (g).

WHEC—WHEC, Inc., Rochester, N. Y.—Modification of license to **1430** increase night power from 500 watts to 1 KW. To be considered under Rule 6 (g).

WBNS—WBNS, Inc., Columbus, Ohio.—Modification of license to **1430** increase night power from 500 watts to 1 KW. To be considered under Rule 6 (g).

WHAZ—Rensselaer Polytechnic Institute, Troy, N. Y.—Modifica-**1300** tion of license to increase power from 500 watts to 1 KW.

WKAR—Michigan State College, East Lansing, Mich.—Modifica-**950** tion of license to change frequency from **1040 kc.** to **950 kc.;** change hours of operation from specified daytime only to daily except Saturdays and Sundays, 10:58 a. m. to 3:30 p. m. and 6 p. m. to 8 p. m.; Saturdays, 10:58 a. m. to 3:30 p. m., using 500 watts for night operation. (Licensed on **1040 kc.,** 1 KW, S. H. daytime.)

WGAR—The WGAR Broadcasting Co., Cleveland, Ohio.—Modifi-**560** cation of license to change frequency from **1450 kc.** to **560 kc.** and increase night power from 500 watts to 1 KW. To be considered under Rule 6 (g); requesting the facilities of WIND. (Licensed on **1450 kc.,** 500 watts night, 1 KW LS, unlimited.)

KONO—Mission Broadcasting Co., San Antonio, Tex.—Modifica-**1370** tion of license to change hours of operation from specified to unlimited. (Licensed for **1370 kc.,** 100 watts, S-KMAC.)

KSCJ—Perkins Brothers Co., Publishers, Sioux City Journal, Sioux **1290** City, Iowa.—Modification of license to change frequency from **1330 kc.** to **1290 kc.** and hours of operation from simultaneous day with WTA and specified hours night, to unlimited. (Applicant requests consideration regardless of Rule 6.) (Licensed on **1330 kc.,** 1 KW night, 2½ KW day.)

KCDM—E. F. Peffer, Stockton, Calif.—Modification of license to **1100** change hours of operation from daytime only to specified from 6 a. m. to local sunset, 9 p. m. to 12:00, PST. (Licensed for **1100 kc.,** 250 watts, daytime.)

WSOC—WSOC, Inc., Charlotte, N. C.—Special temporary author-**880** ization to change frequency from **1210 kc.** to **880 kc.,** increase night power from 100 watts to 250 watts. Requests consideration under Rule 6 (g). (Licensed for **1210 kc.,** 100 watts night, 250 watts day, unlimited.

MISCELLANEOUS

WMCA—Knickerbocker Broadcasting Co., New York City; WSYR **570** —Central N. Y. Broadcasting Corp., Syracuse, N. Y.—De-**570** nied petition to reconsider and grant the application of WMCA to increase power from 500 watts to 1 KW; and application of WSYR to increase power from 250 to 500 watts; install new equipment and move transmitter locally.

NEW—Montana Broadcasting Co., Helena, Mont.—Denied petition **1420** to reconsider and grant application for new station to operate on **1420 kc.,** 100 watts, specified hours.

WTMJ—The Journal Company, Milwaukee, Wis.—Denied petition **620** to reconsider application to increase night power from 1 to 5 KW. The application of WTMJ to increase day power from 2½ to 5 KW was granted October 30, 1934, but that part requesting increase in night power was designated for hearing.

WCSH—Congress Square Hotel Co., Portland, Me.—Denied peti-**940** tion of WCSH to reconsider and grant without hearing their application to increase daytime power from 2½ to 5 KW.

KVOD—Colorado Radio Corp., Denver, Colo.—Denied petition to reconsider and grant application to increase day power from 500 watts to 1 KW.

WACO—Central Texas Broadcasting Co., Inc., Waco, Tex.—Re-**1420** considered and granted without hearing application of WACO to increase hours of operation from specified to unlimited.

KECA—Earle C. Anthony, Los Angeles, Calif.—Reconsidered and **1430** granted application to increase daytime power from 2½ to 5 KW.

KRKD—Radio Broadcasters, Inc., Los Angeles, Calif.—Recon-**1120** sidered and granted application to increase power from 500 watts to 2½ KW, and dismissed that part of application to increase night power to 1 KW.

WLLH—Albert S. Moffat, Lowell, Mass.—Reconsidered and granted application to increase hours of operation from specified to unlimited.

KPRC—Houston Printing Co., Houston, Tex.—Reconsidered and **920** granted application to increase daytime power from 2½ KW to 5 KW; application to increase night power to remain in hearing docket.

KDYL—Intermountain Broadcasting Corp., Salt Lake City.—Granted authority to intervene in hearing in re application of Utah Radio Educational Society to construct a new station at Salt Lake City to operate on **1450 kc.,** 1 KW, unlimited time.

NEW—Portland Broadcasting System, Inc., Portland, Me.—Granted petition to intervene in hearing of the application of Congress Square Hotel Co. (WCSH) for modification of license to increase power to 5 KW day.

W. J. Reynolds, Jr., Selma, Ala.—Granted request to take depositions in re application in hearing Docket No. 2604, set before an examiner on December 6.

J. D. Kolesar, Stockton, Calif.—Granted authority to take depositions in re application of Norman F. Storm, in re application set for hearing before an examiner on December 11.

NEW—Abraham Shapiro, Astoria, Ore.—Redesignated for hearing **1370** the amended application of Shapiro for a new station to operate on **1370 kc.,** 100 watts power, specified hours, in Astoria, Ore., to be heard together with application of KSLM for increase in hours to unlimited time of operation on same frequency **(1730 kc.).**

WIEH—Knickerbocker Broadcasting Co., Inc., Portable.—Granted renewal of broadcast pickup station license in temporary service for period November 1, 1934, to November 1, 1935, in exact conformity with existing license.

KILB—International Broadcasting Corp., Portable.—Granted renewal of broadcast pickup station license in temporary service for period November 1, 1934, to November 1, 1935, in exact conformity with existing license.

W8XO—The Crosley Radio Corp., near Mason, Ohio.—Granted renewal of special experimental station license in exact conformity with existing license.

WTCM—Minneapolis Broadcasting Corp., Minneapolis, Minn.—C. P. requesting authority to change transmitter location from Fridley to Richfield, Minn., and make changes in antenna, heretofore granted, was retired to closed files at applicant's request.

APPLICATIONS RECEIVED

First Zone

WOV—International Broadcasting Corp., New York, N. Y.—Con-
1130 struction permit to install directional antenna, change time from day to unlimited, amended to request unlimited time except hours assigned to WLWL on **1100 kc.**

WNBX—WNBX Broadcasting Corp., Springfield, Vt.—Construc-
1260 tion permit requesting change in antenna, change hours of operation from daytime to unlimited (1 KW power).

WMFF—Plattsburg Broadcasting Corp., Plattsburg, N. Y.—Modification of construction permit (1-P-B-3221) to make equipment changes and extend commencement and completion dates.

Second Zone

NEW—WMAN Broadcasting Co. (John F. Weimer, Eugene Altwies,
1370 Gerald G. Roberts, and Rose Altwies), Mansfield, Ohio.—Construction permit for a new broadcast station to be operated on **1370 kc.,** 100 watts power, unlimited time. Transmitter and studio sites to be determined, Mansfield, Ohio. Amended: Changed name from WMAN, Inc. (Corporation pending), to WMAN Broadcasting Co.

WJBK—James F. Hopkins, Inc., Detroit, Mich.—License to cover
1500 construction permit (2-P-B-3311) to increase power and make equipment changes.

WSMK—WSMK, Inc., Dayton, Ohio.—Special experimental au-
1380 thorization to operate unlimited time simultaneously with KQV, period ending 5-1-34. Amended to change name from Stanley M. Krohn, Jr., to WSMK, Inc.

WMPC—The First Methodist Protestant Church of Lapeer, Lapeer,
1200 Mich.—Modification of license to change hours of operation from Central Standard Time to Eastern Standard Time, and Sunday hours from 10 a. m. to 2 p. m., 3:30 to 6 p. m., 7:30 to 11 p. m., to 10 a. m. to 2 p. m., 3 p. m. to 6 p. m., 7:30 p. m. to 10:30 p. m.

Third Zone

NEW—R. B. Broyles, trading as R. B. Broyles Furniture Co., Portable.—Construction permit to erect a new broadcast pickup station to be operated on **1622, 2060, 2150, 2790 kc.,** 10 watts.

NEW—A. H. Belo Corp., Portable-Mobile.—Construction permit to erect a new general experimental station to be operated on **34600 kc.,** 3 watts.

WPFB—Otis P. Eure, Hattiesburg, Miss.—Voluntary assignment of
1370 license to George T. Bishop.

WKEU—Radio Station WKEU, LaGrange, Ga.—Construction per-
1500 mit to move the transmitter and studio from 906 Hill St., LaGrange, Ga., to Griffin Hotel, West Solomon St., Griffin, Ga., and to change hours of operation from specified to daytime. Amended re hours of operation.

Fourth Zone

NEW—H. LeRoy Miller, d/b as The Minneapolis Broadcaster,
1370 Minneapolis, Minn.—Construction permit to erect a new broadcast station to be operated on **1350 kc.,** 100 watts, daytime, amended to change frequency to **1370 kc.**

WMAQ—National Broadcasting Co., Inc., New York, N. Y.—Modi-
670 fication of construction permit to extend commencement date from 10-4-34 to 12-3-34 and completion date from 12-4-34 to 4-4-35.

WJBC—Wayne Hummer and H. J. Dee, d/b as Kaskaskia Broad-
1200 casting Co., Bloomington, Ill.—License to cover construction permit (4-P-B-3113) for move of studio and transmitter. Amended re signature.

NEW—Perkins Brothers Co., Portable-Mobile.—Construction permit to erect a new general experimental station to be operated on **31100, 34600, 37600,** and **40600 kc.,** 2.7 watts.

WOC—The Palmer School of Chiropractic, Davenport, Iowa (formerly KICK).—License to cover construction permit (4-P-B-3071).

WHB—WHB Broadcasting Co., Kansas City, Mo.—Modification
860 of license to increase day power from 500 watts to 1 KW.

KFOR—Cornbelt Broadcasting Corp., Lincoln, Nebr.—Authoriza-
1210 tion to install automatic frequency control. Amended re signature.

KWK—Thomas Patrick, Inc., St. Louis, Mo.—Construction permit
1350 to change equipment and increase day power from 2½ KW to 5 KW. Amended re equipment.

Fifth Zone

W6XAI—Pioneer Mercantile Co., Bakersfield, Calif.—Modification of construction permit for change in type of transmitter.

KFWB—Warner Bros. Broadcasting Corp., Hollywood, Calif.—
950 License to cover construction permit (5-P-B-3307) for change in equipment and increase in day power from 1 KW to 2½ KW.

KUJ—KUJ, Inc., Walla Walla, Wash.—Construction permit to
1340 make change in equipment, change frequency from **1370 kc.** to **1340 kc.,** increase power from 100 watts to 1 KW, and time of operation from daytime to unlimited, requesting facilities of KFPY. Amended: Change equipment, location of transmitter from 2nd and Rose Sts. to County Road and College Ave., Walla Walla, Wash.

NEW—Richard Field Lewis, Del Monte, Calif.—Construction per-
1210 mit to erect a new broadcast station to be operated on **1210 kc.,** 100 watts power, unlimited time, to be considered under Rule 6. Amended: Change transmitter location to Polo Field House, Del Monte Hotel, Del Monte, Calif.

NEW—Helena Broadcasting Co., Helena, Mont.—Construction per-
1420 mit for new station to be operated on **1420 kc.,** 100 watts power, unlimited time. Amended re location, to Montana Life Ins. Bldg., Lawrence St. and Fuller Ave., Helena, Mont.

APPLICATIONS RETURNED

WKRC—WKRC, Inc., Cincinnati, Ohio.—Modification of construc-
550 tion permit (2-P-B-3282) as modified to install new equipment and increase power from 500 watts and 2½ KW to 1 KW night, 5 KW day. (Transmitter location.)

WKEU—Radio Station WKEU, LaGrange, Ga.—Construction per-
1500 mit to move transmitter and studio from 906 Hill St., LaGrange, Ga., to Griffin Hotel, West Solomon St., Griffin, Ga., and change hours of operation from specified hours to daytime only. (Hours of operation.)

WJBC—Wayne Hummer and H. J. Dee., Bloomington, Ill.—License
1200 to cover construction permit (4-P-B-3113) for move of transmitter. (Signature.)

KOIL—Mona Motor Oil Co., Council Bluffs, Iowa.—License to
1260 cover construction permit (4-P-B-3299) as modified to install new equipment and increase power. (Wrong form.)

NEW—D. A. Gibbs, Jr., and E. H. Shemorry, d/b as KWIL Broad-
1500 casting Company, Williston, N. D.—Construction permit to erect a new broadcast station to be operated on **1500 kc.,** 100 watts, daytime; specified hours: 11:00 a. m. to 2:00 p. m. and 5:00 p. m. to 8:00 p. m. (Power equipment, and over quota.)

NEW—Eli M. Lurie, Greenport, N. Y.—Application for construc-
1200 tion permit to erect a new broadcast station to be operated on **1200 kc.,** 100 watts, daytime (8 a. m. to 6 p. m.); studio and transmitter sites to be determined, Greenport, N. Y. (Jurat and equipment.)

WATR—Harold Thomas, Waterbury, Conn.—Modification of
1190 license to change hours of operation from daytime to limited time. (Wrong name on application.)

NEW—B. F. Meek, Kermit, Tex.—Construction permit for new
1260 station to be operated on **1260 kc.,** 100 watts power, daytime. Transmitter and studio located, Kermit, Tex. To share with KPAC and KRGV. (Rule 6 and equipment; Rule 120; Section 14 (d) and (e)).

NEW—Alexandria Broadcasting, Inc., Alexandria, La.—Construc-
1370 tion permit for new station to be operated on **1370 kc.,** 100 watts night power, unlimited time. Transmitter and studio located at Rapides Parish, Third and Desoto Sts., Alexandria, La. (Location and daytime power.)

The National Association of Broadcasters

NATIONAL PRESS BUILDING ★ ★ ★ ★ ★ WASHINGTON, D. C.

PHILIP G. LOUCKS, Managing Director

NAB REPORTS

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BOARD MEETING DECEMBER 11 AND 12

President Ward has called a meeting of the NAB Board of Directors at New York on December 11 and 12. The first meeting since the reorganization meeting in Cincinnati last September, the Board will give consideration to next year's NAB program.

NAB FILES BRIEF IN HEARINGS

The NAB this week filed a brief of the testimony submitted by the industry in connection with the general hearings before the Federal Communications Commission. Copies of the brief will be mailed to all NAB members.

PROCEEDINGS BEING PRINTED

Proceedings of the recent NAB Convention held at Cincinnati are now in the hands of the printer and will be ready for distribution at an early date. One copy will be sent to each NAB member. Additional copies must be purchased at $4.00 each.

REPORT ON DELINQUENTS

The Managing Director will report to the Board of Directors at its New York meeting on December 11 and 12 that all but 23 of the 375 NAB members are in good standing. It will be recommended that the 23 members in arrears at the time of the meeting be dropped from NAB membership.

OBJECTS TO COMBINATION DISCOUNTS

Radio broadcasting stations and network companies would be prohibited from granting special discounts on facilities sold in combination with other advertising media under a code amendment which has been submitted for NRA approval by the radio broadcasting industry's Code Authority.

Another amendment proposed would forbid the granting of special discounts or rates on a "run of schedule time" basis.

The Code Authority also has suggested an amendment which would make mandatory upon industry members the payment of assessments to cover code administration expenses. The proposal would empower the Code Authority to prepare a budget and basis of contribution for NRA approval, and if approved, to collect contributions from members and make expenditures called for under the budget.

Objections or suggestions concerning these proposed amendments may be submitted to Deputy Administrator William P. Farnsworth before December 17.

A. N. A. CONVENES

Proposals for the revision of the present form of agency compensation, recommendations for the creation of an advertising research foundation, the announcement of plans for the extension of the traffic studies conducted in recent years by Bureau of Street Traffic Research of Harvard University, and a discussion of probable future legislation affecting advertising, were among the highlights of the twenty-fifth annual meeting of the Association of National Advertisers, held in Atlantic City last week.

Among the outstanding points developed by the A. N. A. agency report, as described by Lee H. Bristol at the closing session, was the contention that agency commission is not a commission in the legal sense, but rather a discount; that this system of payment has been greatly modified in business practice; that the agency is agent of the advertiser only and not of the medium; that the present system of compensation is too rigid; that this rigidity is aiding in forcing advertisers to place increasing amounts of advertising outside of the agency.

It was recommended that advertisers review their present agency contracts in view of the findings of the report, though it was stated that no immediate and complete elimination of the present 15 per cent system was being sought.

The A. N. A. report was prepared as an answer to the agency compensation survey conducted for the A. A. A. A. by Prof. James W. Young of the University of Chicago in 1933.

President Allyn B. McIntire announced the formation of a new advertising research foundation, with the approval of the executive board. The foundation is to be cooperatively financed and managed by all units within the industry—buyers and sellers alike—and is designed "to perform the function of directing, supervising, and guiding the work of those major research agencies which offer promise of providing results of greatest value to the greatest number."

Dr. Miller McClintock, director of the Bureau for Street Traffic Research of Harvard University, outlined a program for the study of trading areas and traffic flow. The study will be carried on in 15 to 20 different markets and will be sponsored by seven or eight manufacturers utilizing various types of retail outlets. The work of the Bureau thus far has been of particular importance in developing measures applicable to outdoor advertising circulation.

The possibility of government legislation regarding advertising and branding was discussed by a number of speakers, the consensus of opinion being that some form of additional regulation was highly probable. All speakers seemed agreed, however, that no drastic, bureaucratic legislation was imminent.

CODE BEGINS SCRUTINY OF CONGOIN

James W. Baldwin, Executive Officer for the Code Authority, announced today that numerous letters have been received from stations in reference to a proposal made by the Congoin Company of Los Angeles, California. The Congoin Company, after listing a number of powerful and well-known radio stations over which Congoin programs are broadcast, proposes to furnish to stations a series of 26 electrical transcriptions at a cost to the station equal to the value of time consumed in broadcasting them, with the understanding that each station that reaches its quota of inquiries (a specific quota being fixed for each station) will receive from the Congoin Company a confirmed order, with check attached, for 52 additional periods of time. This proposal violates the provision contained in Article VII, Section 1, paragraph (b) of the Code, which prohibits free time.

The Code Authority will investigate the accounts of all stations mentioned in the Congoin Company correspondence. Agreeably with the policing policies of NRA codes, station managers and executives are requested to furnish the Code Authority with the call letters of stations carrying the Congoin programs.

NAB COPYRIGHT PAYMENTS

In connection with inquiries received by the NAB relative to NAB copyright assessments, it is pointed out that Treasurer Levy announced at the Cincinnati convention that it will be unnecessary to continue such payments for the present.

"BLUE EAGLE" PUBLISHES NAB DATA

The November 19 issue of *The Blue Eagle*, official publication of the NRA, carried on the first page a summary of broadcast advertising statistics as published by the NAB.

NAB BUSINESS INDEX IN DEMAND

The monthly business figures published by the NAB have gained steadily in popularity and today is one of the most valuable services of the Association.

Recently the National Association of Marketing Teachers asked that the NAB send copies of these monthly reports to its members throughout the United States. This request was refused, but we gave the Association permission to reproduce the figures or send to the Association's headquarters a sufficient number of copies of the reports for inclusion in its regular mailings to its 375 members, teachers of marketing, distribution and advertising throughout the nation.

The American Association of Advertising Agencies recently requested 100 extra copies of these reports for use by its members. This request was granted.

"With regard to your reports on advertising expenditures in radio broadcasting," says Fred Gamble, Executive Secretary of the Association, "I can tell you without any hesitation that they are of great value to advertising agencies. Our reason for asking for more copies was to relieve us of having to circulate the two or three copies we had among all of our interested members and the strain got too great.

"Magazines and newspapers have long had, through national advertising records and media records, information of this character. It seems only logical that expenditures on radio broadcasting should be available to advertisers and agencies with equal accuracy."

Some months ago the Association of National Advertisers requested permission to reproduce the figures in its regular publication to members. This request also was granted.

The service is being improved and NAB members are requested to give their best support to this project. More than 100 stations have participated since the beginning. Many others have joined since. All are asked again to give prompt attention to filling out the information blanks so that these monthly reports can be published at the earliest dates.

CODE EXEMPTIONS REQUESTED

The NRA announced today that requests for exemption from the provisions of the radio broadcasting industry code have been received from the following stations:

WBBR, Peoples Pulpit Association, Brooklyn, N. Y.; WEW, St. Louis University, St. Louis, Mo.; WSVS, Seneca Vocational High School, Buffalo, N. Y.; WFKU, University of Kansas, Lawrence, Kans.; KFUO, Evangelical Lutheran Synod of Missouri, Ohio, etc., St. Louis, Mo.; KPPC, Pasadena Presbyterian Church, Pasadena, Calif.; KTW, the First Presbyterian Church of Seattle (Wash.).

Objections or suggestions concerning these applications may be made to Deputy Administrator William P. Farnsworth before December 17.

SECURITIES ACT REGISTRATION

The following companies have filed registration statements with the Securities and Exchange Commission under the Securities Act:

Chester Imes, Oklahoma City, Okla. (2-1189, Form G-1)
Pioneer Gold Products, Inc., Durango, Colo. (2-1190, Form A-1)
Interstate Mining Corporation, Twin Falls, Idaho. (2-1191, Form A-1)
Basin Gold and Silver Company, Basin, Mont. (2-1192, Form A-1)
Morning Star Gold Mines, Ltd., Sacramento, Calif. (2-1193, Form A-1)
Chicago Title and Trust Co., as Trustee, Chicago, Ill. (2-1194, Form E-1)
Louis A. Zolkov et al., Oaklyn, N. J. (2-1196, Form D-1)

A-HUNTING WE WILL GO!

Harry Shaw, ex-NAB president, ex-broadcaster, and your Managing Director, ex-deer hunter, returned this week from a hunting trip in northern Minnesota, near Lake Kabetogama. It was Shaw's idea.

Interviewed as he climbed out of an upper berth at the Washington station (with snow-shoes in hand), the ex-deer hunter broke down and made the following confession:

"I have told so many conflicting stories about the trip that I don't remember whether I got a deer or not or whether he had five or six prongs."

Asked whether he shot a bear, he replied:

"They have many lovely swamps up there."

Pressed for an elaboration of this statement, he continued:

"There's lots of woods up there; the scenery is beautiful; it's plenty cold." He mumbled something about plumbing as he dropped to the station floor, completely revived from his vacation.

Shaw could not be found for an interview.

TELEGRAPH HEARING MONDAY

The Federal Communications Commission, on Monday, December 3, 1934, will conduct a hearing to determine a basis for recommendation to Congress regarding the enactment of laws authorizing the consolidation or merger of communication companies.

The Postal Telegraph-Cable Co., Western Union Telegraph Co., Continental Telegraph Co., A. T. & T. Co., American Radio News Corp., RCA, Association of Western Union Employees, Commercial Telegraphers' Union, United Telegraphers of America, the State of New Hampshire, and the War and Navy Departments are scheduled to appear.

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

Monday, December 3, 1934

Eighteen applications filed by WARD, WBBC, WVFW, WLTH, Brooklyn Daily Eagle, Arde Bulova and Norman K. Winston, WEVD, WHAZ, and WFAB for **1400 kilocycle** facilities in Brooklyn and **1300 kilocycle** facilities in New York, will be heard by an Examiner.

Monday, December 3, 1934, at Washington, Pa.

WNBO—John Brownlee Spriggs, Silver Haven, Pa.—Renewal of license, assignment of license, and C. P. (**1200 kc.,** 100 watts, S. H.)

Wednesday, December 5, 1934

WAAT—Bremer Broadcasting Corp., Jersey City, N. J.—Renewal of license (**940 kc.,** 500 watts, daytime).
WAAT—Bremer Broadcasting Corp., Jersey City, N. J.—License to cover C. P.
NEW—The Ardmoreite Publishing Co., Ardmore, Okla.—C. P., **1210 kc.,** 100 watts, unlimited time.

Thursday, December 6, 1934

NEW—T. H. Barton, Eldorado, Ark.—C. P., **1370 kc.,** 100 watts, unlimited time.
NEW—Calcasieu Broadcasting Co., Lake Charles, La.—C. P., **1500 kc.,** 100 watts, unlimited time.
NEW—Wm. J. Reynolds and Wm. J. Reynolds, Jr., Selma, Ala.—C. P., **1500 kc.,** 100 watts, daytime.

APPLICATIONS GRANTED

WKEU—Radio Station WKEU, LaGrange, Ga.—Granted C. P. **1500** to move transmitter and studio from LaGrange to Griffin, Ga., and change hours of operation from specified to daytime hours, on **1500 kc.,** 100 watts.
NEW—W. Wright Esch, Daytona Beach, Fla.—Granted C. P. for **1420** new station to operate on **1420 kc.,** 100 watts, unlimited time.
WNAC—Shepard Broadcasting Service, Inc., Boston, Mass.—**1230** Granted license covering C. P. authorizing increase in day power from 1 KW to 2½ KW, **1230 kc.,** 1 KW night.
WOL—American Broadcasting Co., Washington, D. C.—Granted **1310** modification of C. P. to extend completion date to January 15, 1935.
WADC—Allen T. Simmons, Tallmadge, Ohio.—Granted modifica-**1320** tion of C. P. to change equipment and extend completion date to January 10, 1935.
WAMC—Raymond C. Hammett, Anniston, Ala.—Granted modifi-**1420** cation of C. P. approving transmitter site at 10th and Noble Streets, Anniston, Ala.; change authorized equipment and extend commencement date to at once and completion date to 45 days hereafter. (Application granted with conditional clause.)
KXYZ—Harris County Broadcast Co., Houston, Tex.—Granted **1440** license covering special experimental authority to operate with additional power of 250 watts and make changes in equipment.
WSAN—WSAN, Inc., Allentown, Pa.—Granted special experimental **1440** authority for period of 60 days to increase power from 250 to 500 watts, on **1440 kc.,** sharing with WCBA.
WCBA—B. Bryan Musselman, Allentown, Pa.—Granted special **1440** authorization to increase power from 250 to 500 watts, for period of 60 days.

WEDC—Emil Denemark, Inc., Chicago, Ill.—Granted renewal of
1210 license on a temporary basis subject to such action as may be taken upon pending application for renewal.

NEW—Bamberger Broadcasting Service, Inc., location to be determined (Newark, N. J.).—Granted C. P. (gen. exp. exp.), frequencies **31600, 35600, 38600, 41000 kc.,** 1000 watts power, for special for facsimile communications.

SET FOR HEARING

WHOM—New Jersey Broadcasting Corp., Jersey City, N. J.—C. P.
1450 to move transmitter from Jersey City to Hoboken, N. J., and make changes in equipment.

NEW—Community Broadcasting Co., Toledo, Ohio (site to be
1200 determined).—C. P., **1200 kc.,** 100 watts, daytime.

NEW—Lake Region Broadcasting Co., Lakeland, Fla.—C. P., **1310**
1310 **kc.,** 100 watts, unlimited time.

WTAR—WTAR Radio Corp., Norfolk, Va.—Modification of license
780 to increase night power from 500 watts to 1 KW.

WBNO—The Coliseum Place Baptist Church, New Orleans, La.—
1200 Consent to voluntary assignment of license to Edward R. Musso.

WBHS—Virgil V. Evans, Huntsville, Ala.—Renewal of license; **1200**
1200 **kc.,** 100 watts, shares WFBC-WBHS, 6/7 time.

WROL—Stuart Broadcasting Corp., Knoxville, Tenn.—C. P. to
1310 make changes in equipment and increase day power from 100 watts to 250 watts. (This application supersedes an application for special experimental authority formerly filed requesting same authority.)

ORAL ARGUMENT GRANTED

The Broadcast Division will hear oral arguments on January 16, 1935, beginning at 10 a. m., in re Examiner's Report No. 1-2, regarding the application of KTAR at Phoenix, Ariz., to increase its night power from 500 watts to 1 KW.

MISCELLANEOUS

WJJD—WJJD, Inc., Chicago, Ill.—Application for modification of
1130 license set for hearing on December 3, 1934, continued and a new date will be fixed when the application of WOV will be heard.

WBBM—WBBM Broadcasting Corp., Chicago, Ill.—Hearing of
770 application for C. P. continued and a new date will be fixed by the Docket Section.

WBBR—Peoples Pulpit Association, Brooklyn, N. Y.—Denied peti-
1300 tion to continue for 90 days hearing on application for renewal of license set for December 3, 1934.

WARD—United States Broadcasting Corp., Brooklyn, N. Y.—De-
1400 nied petition for a "clarification or modification" of the order remanding the Brooklyn cases for further hearing.

WVFW—Paramount Broadcasting Corp., Brooklyn, N. Y.—Denied
1400 petition for a "clarification or modification" of the order remanding the Brooklyn cases for further hearing.

WNBO—John Brownlee Spriggs, Silver Haven, Pa.—Denied re-
1200 quest for continuance of hearing scheduled for December 3, 1934, at Washington, Pa.

KTUL—Tulsa Broadcasting Co., Inc., Tulsa, Okla.—The Commis-
1400 sion reconsidered its action in designating application for hearing and upon reconsideration thereof granted said application on an experimental basis for 60 days.

NEW—Carolina Radio, Inc., Anderson, S. C.—C. P. for new station
1200 to operate on **1200 kc.,** 100 watts night, 250 watts LS, unlimited time, heretofore set for hearing, was dismissed at request of applicant.

W5XL—East Texas Broadcasting Co., Portable-Mobile.—C. P. for new general experimental station, heretofore granted, was retired to closed files for want of prosecution.

LICENSE RENEWALS

WLAC—Life and Casualty Ins. Co. of Tennessee, Nashville, Tenn.—
1470 Granted renewal of license for the period ending May 1, 1935.

WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.—Granted renewal
1210 of license on a temporary basis subject to such action as the Commission may take on their pending application for renewal as well as upon application for modification of license pending before it.

WKOK—Sunbury Broadcasting Corp., Sunbury, Pa.—Granted re-
1210 newal of license on a temporary basis subject to Commission's action on pending application for renewal as well as upon any application affecting this station.

WNBO—John Brownlee Spriggs, Silver Haven, Pa.—Granted re-
1200 newal of license on a temporary basis subject to such action as the Commission may take on licensee's pending application for renewal.

WIBG—WIBG, Inc., Glenside, Pa.—Present license extended for
970 two months from December 1, 1934, on a temporary basis subject to such action as may be taken upon pending application for renewal.

KGVO—Mosby's, Inc., Missoula, Mont.—Present license extended
1200 for three months from December 1, 1934, subject to such action as may be taken on pending application for renewal.

WABI—First Universalist Society of Bangor, Maine.—Present
1200 license extended for three months from December 1, 1934, subject to such action as may be taken on pending application for renewal.

WIP—Pennsylvania Broadcasting Co., Philadelphia, Pa.—Present
650 license extended for three months from December 1, 1934, subject to such action as may be taken on pending application for renewal.

WJBW—Chas. C. Carlsen, New Orleans, La.—Granted renewal of
1200 license on a temporary basis subject to such action as the Commission may take on renewal application, which was designated for hearing.

WBNO—The Coliseum Place Baptist Church, New Orleans, La.—
1200 Granted renewal of license on a temporary basis subject to such action as the Commission may take on renewal application, which was designated for hearing.

KVOS—KVOS, Inc., Bellingham, Wash.—Granted renewal of license
1200 on a temporary basis subject to such action as the Commission may take on renewal application, which was designated for hearing.

WOCL—A. E. Newton, Jamestown, N. Y.—Granted renewal of
1210 license on a temporary basis subject to such action as the Commission may take on any applications pending affecting this station, particularly the application of Brown Radio Service & Laboratory, for such part of this station's facilities as is necessary to operate simultaneously day and 100 watts night, unlimited time, as well as upon renewal application of this applicant, which was designated for hearing.

WIP—Pennsylvania Broadcasting Co., Philadelphia, Pa.—Special
610 authorization to increase power to 1 KW experimentally was extended pending further consideration by the Commission, for the period December 1, 1934, and no later than March 1, 1935.

W9XK—University of Iowa, Iowa City, Iowa.—Granted renewal of experimental visual license in the exp. service effective 3 a. m., December 1, 1934, and ending 3 a. m., EST, May 1, 1935, in exact conformity with existing license.

APPLICATIONS RECEIVED

First Zone

National Broadcasting Co., Inc., Bound Brook, N. J.—License to use transmitter already constructed for **2020, 2102, 2760 kc.,** A1, A2, A3.

W2XR—John V. L. Hogan, 3104 Northern Blvd., Long Island City,
1550 N. Y.—Modification of license to change name of business to "John V. L. Hogan, d/b as Scientific Broadcasting Service."

WNAC—Shepard Broadcasting Service, Inc., Boston, Mass.—Con-
1230 struction permit to make changes in equipment and increase power from 1 KW, 2½ KW, to 1 KW night, 5 KW daytime.

WSAR—Doughty & Welch Elec. Co., Inc., Fall River, Mass.—Con-
1450 struction permit to make equipment changes, increase power from 250 watts to 1 KW.

WPRO—Cherry & Webb Broadcasting Co., Providence, R. I.—
630 Extension special experimental authorization to operate on **630 kc.,** power 250 watts, period ending 6-1-35.

WHDL—Tupper Lake Broadcasting Co., Inc., Olean, N. Y.—License
1420 to cover construction permit (B1-P-53) to move transmitter and studio to Olean, N. Y.; make equipment changes.

WNBX—WNBX Broadcasting Corp., Springfield, Vt.—License to
1260 cover construction permit (B1-P-56) to make changes in equipment and increase power.

W8XCN—Onondaga Radio Broadcasting Corp., Portable-Mobile.—
License to cover construction permit for new general experimental station to be operated on **31100, 34600, 37600, 40600 kc.,** 5 watts.

W8XCO—Onondaga Radio Broadcasting Corp., Portable-Mobile.—
License to cover construction permit for new general experimental station to be operated on **31100, 34600, 37600, 40600 kc.,** 5 watts.

WNAC—Shepard Broadcasting Service, Inc., Boston, Mass.—Con-
830 struction permit to make equipment changes and increase power amended to change frequency from **1230 kc.** to **830 kc.,** increase night power to 5 KW, change location of transmitter, requests facilities WHDH.

Second Zone

WKBZ—Karl L. Ashbacker, Muskegon, Mich.—Construction per-
1500 mit to make changes in equipment and increase power from 100 watts to 100 watts night, 250 watts daytime.

WSAI—The Crosley Radio Corp., Cincinnati, Ohio.—Modification
1330 of license to increase power from 1 KW, 2½ KW, to 1 KW, 5 KW day.

Third Zone

NEW—Denton Broadcasting Co., Eugene DeBogory, Owner, Den-
1420 ton, Tex.—Construction permit for new station to be operated on **1420 kc.,** 100 watts power, daytime hours of operation. Studio and transmitter located Local Hotel, Denton, Tex.

NEW—Wm. L. Waltman, Muskogee, Okla.—Construction permit
1500 for a new station to be operated on **1200 kc.,** 100 watts power, unlimited time. Studio, Fifth and Wall Streets, Hotel Severs, Muskogee, Okla.; transmitter site Fifth and Wall Streets. Amended: Change frequency from **1200 kc.** to **1500 kc.;** hours of operation from daytime to unlimited time.

NEW—Alexandria Broadcasting Company, Inc., Alexandria, La.—
1370 Construction permit for new station requesting **1370 kc.,** 100 watts power night, unlimited time. Transmitter and studio located at Rapids Parish, Third and DeSoto Streets, Alexandria, La. Amended: Requests 100 watts power night and day; transmitter site moved to Upper 4th Street, Alexandria, La.

NEW—Evangeline Broadcasting Co., Lafayette, La.—Construction
1310 permit for new station to be operated on **1310 kc.,** 100 watts power, unlimited time. Studio and transmitter located at 525 Jefferson Street, Lafayette, La.

KGHI—Loyd Judd Company, Little Rock, Ark.—Voluntary assign-
1200 ment of license to Arkansas Broadcasting Co., Little Rock, Ark.

WFBC—Greenville News-Piedmont Company, Greenville, S. C.—
1300 Construction permit to install new equipment and increase power from 1 KW to 1 KW night and 5 KW daytime. Transmitter site to be determined.

NEW—Winger & Thomas, Chattanooga, Tenn.—Construction per-
1200 mit for a new station to be operated on **1420 kc.,** 100-watt power, daytime. Studio located at 7th and Market, Chattanooga, Tenn.; transmitter location to be determined. Amended: Change frequency from **1420 kc.** to **1200 kc.,** hours of operation from daytime to unlimited. (To be considered under Rule 6 (g)).

NEW—A. Garfield Tubbs, Pampa, Tex.—Construction permit to
940 erect a new broadcast station to be operated on **940 kc.,** 1 KW, unlimited time, transmitter and studio to be located at 354 Foster Ave., Pampa, Tex.

WGST—Georgia School of Technology, Atlanta, Ga.—Modification
890 of license to increase power from 500 watts, 1 KW-local sunset, to 1 KW.

KNOW—KUT Broadcasting Co., Austin, Tex.—Special experi-
1330 mental authorization to be operated on **1290 kc.,** 250 watts; change equipment, period not to exceed 1-1-35. Amended to change frequency to **1330 kc.** contingent upon release that frequency by station KTRH.

WSIX—Jack M. Draughon, Louis R. Draughon, d/b as 638 Tire &
1210 Vulcanizing Co., Springfield, Tenn.—Construction permit move transmitter from 115 Public Square, Springfield, Tenn., to site to be determined, Nashville, Tenn., and studio from same to Andrew Jackson Hotel, Nashville, Tenn.

NEW—Wilton E. Hall, Anderson, S. C.—Construction permit to
1200 erect a new broadcast station to be operated on **1200 kc.,** 100 watts night, 250 watts local sunset, unlimited time. Amended to request 100 watts day and night.

NEW—F. N. Pierce, Taylor, Tex.—Construction permit to erect a
1310 new broadcast station to be operated on **1310 kc.,** 100 watts, unlimited time. Amended to request daytime operation.

KLUF—George Roy Clough, Galveston, Tex.—Extension special
1370 experimental authorization to increase power from 100 watts to 100 watts night, 250 watts local sunset, from 1-1-35 to 7-1-35.

WWL—Loyola University, New Orleans, La.—Construction permit
850 to install new equipment, increase power from 10 KW to 50 KW, change hours from specified hours to unlimited time.

NEW—Palestine Broadcasting Assn., Palestine, Tex. (John C.
1420 Welch, Wm. M. Keller, Bonner Frazzelle).—Construction permit to erect a new broadcast station to be operated on **1420 kc.,** 100 watts, specified hours; studio, 315 W. Spring Street, Palestine, Tex.; transmitter, 1 mile east Palestine, Tex.

Fourth Zone

WTRC—Truth Radio Corp., Elkhart, Ind.—License to cover con-
1310 struction permit (B4-P-91) to install new equipment.

WDZ—James L. Bush, Tuscola, Ill.—Construction permit to make
1020 equipment changes, increase power from 100 watts to 250 watts. Amended to change frequency from **1070 kc.** to **1020 kc.** when KYW moves to Philadelphia.

NEW—Harold Rieth, Goshen, Ind.—Construction permit to erect a new general experimental station to be operated on **1614, 3492.5, 4797.5, 6425 kc.,** 30 watts. Amended to change class of station to experimental visual broadcast to be operated on **42000-56000, 60000-86000, 2000-2100, 2750-2850 kc.,** 30 watts.

KWTO—KGBX, Inc., Springfield, Mo.—Construction permit to
560 install new equipment, increase day power from 1 KW to 5 KW.

NEW—Black Hills Broadcast Co., Rapid City, S. D.—Construction
1370 permit to erect a new broadcast station to be operated on **1370 kc.,** 100 watts, unlimited time; studio, Alex Johnson Hotel, Rapid City, S. Dak.; transmitter, Rapid Creek, Rapid City, S. Dak.

NEW—Mississippi Valley Broadcasting Co., Inc., East St. Louis,
1500 Ill.—Construction permit to erect a new broadcast station to be operated on **1500 kc.,** 100 watts night, 250 watts local sunset; transmitter and studio site to be determined; unlimited time. Amended to request changes in equipment; change daytime power from 250 watts to 100 watts.

NEW—Mid-Central Broadcasting Co. (J. E. Davidson, Jr., M. M.
1370 Smith, and J. M. Davidson), Kansas City, Mo.—Construction permit to erect a new broadcast station to be operated on **1370 kc.,** 100 watts, unlimited time. Requests facilities KWKC. (Application supersedes B4-P-13.)

NEW—National Battery Broadcasting Co., Minneapolis, Minn.—
1370 Construction permit to erect a new broadcast station to be operated on **1370 kc.,** 100 watts, unlimited time.

WOC—The Palmer School of Chiropractic, Davenport, Iowa.—
1420 Modification construction permit (4-P-B-3071) to make changes in equipment. (Formerly KICK.)

WOC—The Palmer School of Chiropractic, Davenport, Iowa.—
1420 License to cover construction permit (4-P-B-3071 as modified).

Fifth Zone

KOA—National Broadcasting Co., Inc., Denver, Colo.—Authority
830 to determine operation power by direct measurement.

KIT—Carl E. Haymond, Yakima, Wash.—Voluntary assignment of
1310 license to Valley Broadcasters, Inc.

NEW—Radio Service, Inc., Las Vegas, Nev.—Construction permit
1200 for new station on **1200 kc.,** 100 watts power, unlimited time. Studio and transmitter sites to be determined, Las Vegas, Nev.

KFXD—Frank E. Hurt, Napa, Idaho.—Construction permit to
1200 make changes in equipment, increase daytime power from 100 watts to 250 watts.

NEW—Peninsula Daily Herald Co., Monterey, Calif.—Construc-
820 tion permit to erect a new broadcast station to be operated on **820 kc.,** 100 watts, daytime. Transmitter and studio to be located Pearl and Washington Streets, Monterey, Calif.

NEW—George B. Bairey, Valley City, N. Dak.—Construction per-
1310 mit to erect a new broadcast station to be operated on **1310 kc.,** 100 watts, unlimited time.

KIT—Carl E. Haymond, Yakima, Wash.—Modification of con-
1310 struction permit (5-P-B-3325) to change location of transmitter and studio from 109½ E. Yakima Avenue to 6 So. 2nd Street, Yakima, Wash.

NEW—Fred L. Packard, A. Rosenberg, Los Angeles, Calif.—Con-
1160 struction permit to erect a new broadcast station to be operated on **1160 kc.,** 100 watts, limited time. Amended to request 250 watts, daytime.

KLZ—The Reynolds Radio Co., Inc., Denver, Colo.—Modification
560 construction permit (5-P-B-3274) to extend commencement date from 10-30-34 to 12-1-34 and completion date from 1-30-35 to 4-1-35.

The National Association of Broadcasters

NATIONAL PRESS BUILDING ★ ★ ★ ★ ★ WASHINGTON, D. C.

PHILIP G. LOUCKS, Managing Director

NAB REPORTS

★ ★ ★ ★

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DEC. 6, 1934

Copyright, 1934, The National Association of Broadcasters

BOARD WILL HEAR COPYRIGHT REPORT

The Board of Directors of the NAB at its meeting in New York next week will hear a report from its Copyright Committee and will give consideration to the various resolutions adopted at the membership meeting at Cincinnati. The Board faces a heavy agenda and the meeting will likely consume two days.

A meeting of the Copyright Committee and the Special Committee studying the creation of a cooperative coverage and listener data bureau also will meet.

President Ward will announce committee appointments for the coming year at the Board meeting.

HAVE YOU CAST YOUR BALLOT?

Members of the Industry who are eligible to participate in the administration of the Code of Fair Competition for the Radio Broadcasting Industry have received Code Authority Bulletin No. 14 requesting their ballot on a proposed amendment to Article VII, Section 1, paragraph (a) of the Code. These amendments which have been proposed by the Code Authority are in keeping with the purpose and intent of Resolution No. 13 adopted at the NAB Convention. An affirmative vote sustains the NAB position in this matter. Remember the balloting will close December 14.

A. F. OF M. OPPOSES ASCAP

Edward Canavan, chairman of the Local No. 802, New York musicians' union, issued a statement opposing the licensing activities of the American Society of Composers, Authors and Publishers.

"Owing to the prohibitive fee demand by ASCAP, employers have dispensed with the services of musicians and the exorbitant charges for playing copyrighted numbers have acted as a detriment to the best interests of members. Members having definite knowledge should report for the benefit of the Department of Justice places where members might have been employed or which dispensed with orchestras because of the fees charged by ASCAP."

FREEDOM OF SPEECH BY RADIO

Louis G. Caldwell, former general counsel of the Federal Radio Commission, will discuss freedom of speech by radio in an address before the annual conference of the American Civil Liberties Union in Washington, D. C., on December 8. The subject of allocating time on all stations for non-profit and educational groups will be discussed by Bethuel M. Webster, former general counsel of the Federal Radio Commission, and Dr. Levering Tyson, director of the National Advisory Council on Radio in Education.

FINAL 1933 RETAIL CENSUS DATA RELEASED

Retail sales of slightly more than 25 billions of dollars were reported for 1933 by more than one and one-half million stores, according to the final summary of the 1933 Retail Census released by the U. S. Department of Commerce this week.

With the number of stores practically unchanged since 1929, there was a decrease in dollar volume of sales amounting to 49 per cent. Actual physical volume of trade experienced a considerably smaller decline than did dollar volume, though no complete information is available on this point.

Trends in retail trade in various parts of the country, and with regard to particular types of retail outlets suggest the existence of new potential markets for broadcast advertising. In the gasoline field, the number of filling stations has increased by 49,000, and, despite a decrease in the price level, the retail sales volume of the gasoline industry was only 14 per cent below 1929.

Variety stores, unchanged in number of outlets since 1929, experienced a decline of but 25 per cent in dollar volume of trade. Food stores declined very little in number, and experienced only a 38 per cent decline in dollar volume of sales. The proportion of retail food sales to total retail sales increased from 22 per cent to 27 per cent during the period 1929-33. Since the food industry is one of the most important users of radio broadcast advertising, this is of particular interest.

An important trend in the food field is the increasing importance of combination stores, dealing in both groceries and meat products. Whereas in 1929 these stores accounted for but 36 per cent of total retail food volume, this proportion rose to 47 per cent in 1933. Since it is these stores which enjoy the largest average volume of sales per outlet, they constitute one of the most significant potential markets for local retail food advertising.

Important shifts also were revealed in the relative proportion of total retail trade accounted for by various sections of the country. All six New England states increased in relative importance as far as retail sales volume was concerned. Other states showing similar increases included the nine South Atlantic states, California, Idaho, Kentucky, Louisiana, Minnesota, Missouri, Nevada, New Jersey, New York, Tennessee and Wyoming.

COMMISSION HEARS TELEGRAPH COMPANIES

The Telegraph Division of the Federal Communications Commission on Monday of this week began hearing testimony of the telegraph companies operating in the domestic field relative to the possible consequences of a merger of the companies into a single company having a monopoly of the record communication business. The testimony favorable to the creation of such a monopoly originated with the Postal Telegraph & Cable Co., which seeks permissive legislation, based on a recommendation of the Commission, allowing a merger of Postal, Western Union, Mackay Radio, RCA Communications, and the teletypewriter and leased wire business of the A. T. & T. Co. The ostensible purpose of the Postal Telegraph proposal is the creation of a single record communication system to foster the person-to-person printer communication business and thus create an active competitor to the long-distance telephone. It was stated that continuance of existing competitive conditions cannot long permit the survival of the telegraph companies.

The merger proposal found little support from the other companies represented, and was actively opposed by labor representatives. It was contended by Labor that the only purpose of the proposed merger is the reduction of operating expenses, which would mean the reduction of the number of persons now engaged in the telegraph business. The Bell System expressed unwillingness to part with their leased-wire business, on the ground that they had built it from the ground up and that it is their intention to keep it. It was admitted by them that the teletypewriter and printer exchange services might function efficiently when operated by a single company.

The Communications Commission is authorized to report to Congress on desirable legislation relative to consolidation of communications companies.

ADDITIONAL DATA BEING PREPARED

Additional information secured by the 1933 Retail Census is now in process of preparation, much of which will be of interest to broadcasting stations. Information by size of business, type of operation, and kinds of outlets is being compiled for all counties and for cities of 2,500 to 10,000 population. Preliminary reports for a number of states and areas are now available, while other information will be published during the next few months. Retail Census information may be procured by writing the Bureau of Census, Department of Commerce, Washington, D. C.

NEW MARKETING INFORMATION MADE AVAILABLE

The addition of a number of important services to the trade information now published by the Bureau of Foreign and Domestic Commerce of the Department of Commerce, have just been announced.

More comprehensive trade statistics on the trend in retail sales, including data showing the trend in sales in each region of the country, will be collected by the newly organized Market Data Section. Information now being gathered for new passenger car sales, variety store chain sales, grocery sales in rural areas, automobile financing and department store collections, will be supplemented as soon as possible with information regarding drug store, and furniture sales.

A series of indexes for wholesale trade will be developed, and plans have been made for the revision of the "Market Data Handbook of the United States," the fundamental market statistics publication of the Bureau.

The Market Service Section is at present engaged in the revision of the Bureau's publication, "Market Research Source," which list of significant market research available and all sources of importance.

Marketing, merchandising and sales executives in the broadcasting field will find it worth while to keep a careful check on new information released by the Bureau.

MIAMI TAXES COPYRIGHT REPRESENTATIVES

The city of Miami has passed an ordinance "providing for the registration of all persons, firms and corporations engaged in certain businesses, professions or occupations" and providing license fees for such persons, firms or corporations. Section 4 of the ordinance provides:

"Section 4. No person, firm, corporation or association shall engage in or manage any business, profession or occupation in this section mentioned without first obtaining from the City a license therefor for each separate location in the City; and provided a license shall be required to cover each and every business advertised by sign, newspaper, magazine, or otherwise, and any such sign, newspaper, magazine or other advertisement shall be considered evidence or conducting the business advertised and sufficient for conviction by the court; and provided further that said license shall be issued to cover but one location; and the assessments of such taxes are hereby fixed as follows: * * *

"Royalty and copyright agents and salesmen—$2,500.00

"Shall mean each person, as agent for another, or as the representative of another in any capacity, collecting, or attempting to collect, or receiving money, or other valuable consideration for rights, royalty, rents or fees on copyrighted music, books, recorded music for mechanical reproduction, radio programs and/or patents."

FTC BARS DENTAL PLATE ADS

Misrepresentation in the sale of dental plates is prohibited in a Federal Trade Commission order against Benjamin D. Ritholz, of Chicago, doing business under the names of "Chicago Dentists" and "Chicago Dental House, Inc." Among practices enjoined are the use of testimonials, endorsements or guarantees in or through newspapers, magazines, the radio or circulars to represent that the respondent's dental plates are of a value greater than is actually the case; that he can make a properly fitting and satisfactory dental plate from an impression of the mouth taken by a layman for whose use the plate is intended, and that the respondent is using in his manufacture the scientific methods used by dentists.

PLEASE! PLEASE! PLEASE!

Costs incidental to the general educational hearings before the Federal Communications Commission have burdened the NAB treasury and it would be extremely helpful if members who have neglected to pay dues for the October-November-December quarter would send in their checks promptly.

PLEASE ADVISE US

A member of the NAB is anxious to know where he can get in touch with Joseph J. Moore, National Features Service. Please advise NAB, Washington, D. C., if you know Mr. Moore's present address.

BRIEF FILED BY COMMISSION

A brief has been filed in the United States Court of Appeals for the District of Columbia by the Federal Communications Commission in the appeal against a decision of the Commission in January, 1934, by the Don Lee Broadcasting System.

In this case the Commission denied an application of this System for the erection of a new broadcasting station at Redlands, Calif., specifically requesting the facilities of Stations KTM and KELW at Los Angeles, Calif.

The Commission, in its brief, contends that the findings of the Commission "are fully sustained by the record." The Commission's findings, the brief states further, "are complete and adequate, fully supported by the evidence and its decision should be sustained."

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

Monday, December 10, 1934

Hearing Before Broadcast Division

WNAC—Shepard Broadcasting Service, Inc., Boston, Mass.—Modification of license; **830 kc.,** 1 KW, unlimited time. Present assignment: **1230 kc.,** 1 KW, unlimited time.

WHDH—Matheson Radio Co., Inc., Boston, Mass.—Modification of license; **830 kc.,** 500 watts night, 1 KW LS at Denver, unlimited time. Present assignment: **830 kc.,** 1 KW, daytime.

NEW—American Broadcasting Co., Washington, D. C.—C. P., **830 kc.,** 100 watts, unlimited time.

WEEU—Berks Broadcasting Co., Reading, Pa.—Modification of license; **830 kc.,** 500 watts, 1 KW LS, unlimited time. Present assignment: **830 kc.,** 1 KW, daytime.

Hearing Before Examiner

Tuesday, December 11, 1934

NEW—Utah Radio Educational Society, Salt Lake, Utah.—C. P., **1450 kc.,** 1 KW, unlimited time.

NEW—Louis H. Callister, Provo, Utah.—C. P., **1200 kc.,** 100 watts, unlimited time.

NEW—Paul Q. Callister, Salt Lake City, Utah.—C. P., **1370 kc.,** 100 watts, unlimited time.

NEW—Norman F. Storm, Centralia, Wash.—C. P., **1500 kc.,** 100 watts, unlimited time.

NEW—Great Western Broadcasting Assn., Inc., Logan, Utah.—C. P., **1500 kc.,** 100 watts, unlimited time.

NEW—Great Western Broadcasting Assn., Inc., Provo, Utah.—C. P., **1210 kc.,** 100 watts, unlimited time.

NEW—Munn Q. Cannon, Logan, Utah.—C. P., **1210 kc.,** 100 watts, unlimited time.

Hearing Before an Examiner

Wednesday, December 12, 1934

WEBR—Howell Broadcasting Co., Inc., Buffalo, N. Y.—C. P., **800 kc.,** 1 KW, limited time until LS at Dallas, Texas. Present assignment: **1310 kc.,** 100 watts, 250 watts LS, unlimited time.

WTBO—Associated Broadcasting Corp., Cumberland, Md.—Modification of license; **800 kc.,** 250 watts, 6 a. m. to LS at Dallas, Texas. Present assignment: **800 kc.,** 250 watts, daytime.

APPLICATIONS GRANTED

WQDX—Stephens Luke, Thomasville, Ga.—Granted consent to
1210 voluntary assignment of license to H. Wimpy. (Licensed on **1210 kc.,** 100 watts, unlimited.)

WQDX—H. Wimpy, Thomasville, Ga.—Granted C. P. to move
1210 transmitter locally in Thomasville; make changes in equipment and change hours of operation from unlimited to daytime.

KSD—The Pulitzer Publishing Co., St. Louis, Mo.—Granted modifi-
550 cation of C. P. to make changes in equipment; increase power from 500 watts night, 2½ KW day, to 1 KW night, 5 KW day; and extend commencement date to 2 days after this date and completion date to 60 days after this date.

WDRC—WDRC, Inc., Hartford, Conn.—Granted license to cover
1330 C. P. authorizing increase in day power from 1 KW to 2½ KW and changes in equipment. Operates on **1330 kc.,** unlimited time, 1 KW night.

WMEX—The Northern Corp., Chelsea, Mass.—Granted license to
1500 cover C. P., **1500 kc.,** 100 watts night, 250 watts day, unlimited time.

WTAR—WTAR Radio Corp., Norfolk, Va.—Granted modification
780 of license to use present transmitter as an auxiliary, Composite—DCC Max. 1 KW.

KADA—C. C. Morris, Ada, Okla.—Granted license covering C. P.
1200 for new station; **1200 kc.,** 100 watts, daytime.

KFVS—Hirsch Battery & Radio Co., Cape Girardeau, Mo.—
1210 Granted license covering C. P. authorizing increase in day power from 100 2. to 250 watts, and changes in equipment.

WTAR—WTAR Radio Corp., Norfolk, Va.—Granted license cover-
870 ing new equipment; **780 kc.,** 500 watts, unlimited time.

WDAY—WDAY, Inc., Fargo, N. Dak.—Granted license covering
940 C. P. authorizing changes in equipment and increase in day power to 2½ KW; **940 kc.,** 1 KW night, unlimited time.

WEBQ—Harrisburg Broadcasting Co., Harrisburg, Ill.—Granted
1210 license covering C. P. authorizing changes in equipment and increase in day power to 250 watts; **1210 kc.,** 100 watts night, specified hours.

WHBF—Rock Island Broadcasting Co., Rock Island, Ill.—Granted
1210 license covering C. P. authorizing new equipment and moving studio locally; **1210 kc.,** 100 watts, unlimited time.

KIDO—Boise Broadcast Station, Boise, Idaho.—Granted license
1350 covering C. P. authorizing increase in day power and installation of new equipment; **1350 kc.,** 1 KW night, 2½ KW day, unlimited time.

KUJ—KUJ, Inc., Walla Walla, Wash.—Granted modification of
1370 license to increase hours of operation from daytime to unlimited, on **1370 kc.,** 100 watts.

W6XAK—Pioneer Mercantile Co., Bakersfield, Calif.—Granted modification of C. P. to change transmitter from Composite type to standard RCA, Type 1 d.

SPECIAL AUTHORIZATIONS GRANTED

WTCN—Minnesota Broadcasting, Minneapolis, Minn.—Granted
1250 special temporary authority to use the transmitter now licensed to WLB pending the filing of and action on application authorizing the installation of the equipment, but for a period not to exceed 30 days.

WMFG—Head of the Lakes Broadcasting Co., Hibbing, Minn.—
1210 Granted special temporary authority to operate a 25-watt portable transmitter on **1210 kc.,** to conduct field intensity survey tests between Hibbing and Virginia, Minn., for period of 10 days from December 8.

KLUF—George Roy Clough, Galveston, Tex.—Granted special
1370 temporary authorization to operate from 10 a. m. to 2 p. m., CST, December 25, 1934, instead of unlimited time as assigned by license, in order to observe holiday.

KFUO—Evangelical Lutheran Synod of Missouri, Ohio and other
550 States, Rev. R. Kretzachner, Chairman, Board of Control of Concordia Seminary, Clayton, Mo.—Granted special temporary authorization to operate with 1 KW power from 12 midnight, December 14, 1934, to 3 a. m., December 15, CST, in order to broadcast a DX program, provided KSD remains silent.

KSO—Iowa Broadcasting Co., Des Moines, Iowa.—Granted special
1320 temporary authorization to operate a 100-watt portable transmitter on **1320 kc.,** to conduct field strength measurements in the vicinity of Des Moines, between 1 and 6 a. m., CST, for period not to exceed 20 days, in order to determine new location for transmitter, provided KSO remains silent during Commission monitoring schedule: 2:50 to 3:10 a. m. and 5:10 to 5:30 a. m., EST, December 4; and 5:30 to 5:50 a. m., EST, December 5; and 5:10 to 5:30 a. m., EST, December 1, 1934.

WIBA—The Badger Broadcasting Co., Inc., Madison, Wis.—
1280 Granted special temporary authority to operate without an approved frequency monitor pending repair of said monitor, but not later than December 15.

MISCELLANEOUS

WOL—American Broadcasting Co., Washington, D. C.—Granted request that hearing on application of Matheson Radio Co., set for December 10, be continued to a date in February, 1935.

WBBR—Peoples Pulpit Assn., Brooklyn, N. Y.—Denied petition to dismiss application of station WEVD, which seeks to operate unlimited time on **1300 kc.,** since case is now being heard by an Examiner.

KRKD—Radio Broadcasters, Inc., Los Angeles, Calif.—Denied special temporary authority to operate with power of 1 KW during daytime, pending completion of construction as authorized by C. P., but for not longer than 30 days.

KSOO—Sioux Falls Broadcast Assn., Inc., Sioux Falls, S. Dak.—Denied special temporary authority to operate simultaneously with WRVA, using 500 watts power, from 8 to 9:45 p. m., CST, on December 4, 5, 12 and 19, in order to broadcast Tri-State Intercollegiate Conference basketball games.

ACTION ON EXAMINER'S REPORT

NEW—Ex. Rep. No. 1-10: Julio M. Conesa, Ponce, Puerto Rico.—Granted C. P. for new station to operate on **1420 kc.,** 100 watts night, 250 watts day, specified hours. Examiner Ralph L. Walker sustained. Order effective December 18, 1934.

SET FOR HEARING

WHDA—Matheson Radio Co., Inc., Boston, Mass.—Renewal of
830 license. Its facilities have been applied for by station WNAC, and also to determine if WRDH is operating in the public interest.

NEW—Amzi G. Barber, Montgomery, Ala.—C. P. for new station;
1210 **1210 kc.,** 100 watts, unlimited time.

NEW—Liner's Broadcasting Station, Inc., Alexandria, La.—C. P.,
1370 **1370 kc.,** 100 watts, daytime; exact transmitter location to be determined.

NEW—Edward Hoffman, St. Paul, Minn.—C. P. for new station;
1310 **1310 kc.,** 100 watts, unlimited time.

WPTF—WPTF Radio Company, Raleigh, N. C.—Modification of
680 special experimental authorization to increase power from 1 KW to 5 KW, and increase time from limited to 12 midnight, EST, operating simultaneously with KPO, and employing directional antenna. To be heard by the Division en banc on January 21, 1935.

APPLICATIONS RECEIVED

First Zone

WBAL—Consolidated Gas, Electric Light & Power Co. of Balti-
1060 more, Baltimore, Md.—Voluntary assignment of license to American Radio News Corporation.

NEW—Howell Broadcasting Co., Inc., Rochester, N. Y.—Construc-
1210 tion permit to erect a new broadcast station to be operated on **1210 kc.,** 100 watts night, 250 watts local sunset, unlimited time, transmitter and studio site to be determined.

WTIC—The Travelers Broadcasting Service Corp., Hartford, Conn.
1040 Special experimental authorization to change frequency from **1060 kc.** to **1040 kc.;** change time from S-WBAL to simultaneously with KRLD (unlimited); requests extension for regular license period 8-1-35.

WRC—National Broadcasting Co., Inc., Washington, D. C.—Con-
950 struction permit to install new equipment; increase power from 500 watts night, 1 KW day, to 1 KW night, 5 KW day; move transmitter, site to be determined.

WJEJ—Hagerstown Broadcasting Co., Hagerstown, Md.—License
1210 to cover construction permit (B1-P-25), move of transmitter to 16 W. Washington St., Hagerstown, Md.

Second Zone

WLIT—Lit Bros. Broadcasting System, Inc., Philadelphia, Pa.—
560 Voluntary assignment of license to WFIL Broadcasting Co.

WFI—WFI Broadcasting Co., Philadelphia, Pa.—Voluntary as-
560 signment of license to WFIL Broadcasting Co.

WGBI—Scranton Broadcasters, Inc., Scranton, Pa.—Construction
880 permit to move transmitter *amended* to omit request to move transmitter; requests install new equipment, increase power from 250 watts to 1 KW day and night.

KYW—Westinghouse Electric and Manufacturing Co., Philadelphia,
1020 Pa.—License to cover construction permit (2-P-B-2615), move of transmitter to Joshua Road, Whitemarsh Township, Pa.; studio, Philadelphia, Pa.

WPAD—Paducah Broadcasting Co., Inc., Paducah, Ky.—License to
1420 cover construction permit (B2-P-115) to install new equipment, increase day power from 100 watts to 250 watts.

WBCM—James E. Davidson, Bay City, Mich.—Modification of
1410 license to increase day power from 500 watts to 1 KW.

WGH—Hampton Roads Broadcasting Corp., Newport News, Va.—
1310 Construction permit to install new equipment, increase day power from 100 watts to 250 watts.

WFDF—Flint Broadcasting Co., Flint, Mich.—Construction permit
1310 to install new equipment.

WRAK—WRAK, Inc., Williamsport, Pa.—License to cover con-
1370 struction permit (2-P-B-3210) as modified, move transmitter to 244 W. 4th St., Williamsport, Pa.; install new equipment; increase power daytime from 100 watts to 250 watts.

WPHR—WLBG, Inc., Petersburg, Va.—Modification construction
880 permit (2-P-B-3291), exact location transmitter northeast corner Franklin and Adams Streets, Petersburg, Va.

WKRC—WKRC, Inc., Cincinnati, Ohio.—Modification construc-
550 tion permit (2-P-B-3282) to install new equipment; increase power from 500 watts, 2½ KW local sunset, to 1 KW night, 5 KW local sunset.

WGAR—The WGAR Broadcasting Co., Cleveland, Ohio.—Special
1450 experimental authorization to increase power from 500 watts night, 1 KW local sunset, to 1 KW, period to 5-1-35.

WBEO—The Lake Superior Broadcasting Co., Marquette, Mich.—
1310 Modification of license to change hours of operation from 9:30 a. m. to 1:15 p. m., 5 p. m. to 7 p. m.; Sunday, 9 a. m. to 1:30 p. m.; to 9:30 a. m. to 4:30 p. m. daily; Sunday, 9 a. m. to 1:30 p. m.

Third Zone

KTSA—Southwest Broadcasting Co., San Antonio, Tex.—Modifica-
550 tion of special authorization to operate on **550 kc.**, 5 KW, from midnight to 6 a. m., period ending 4-1-35.

KFRO—Voice of Longview, Longview, Tex.—Modification construction permit to change equipment; move studio and transmitter to on Green Street one-quarter to one-half mile city limits, Longview, Tex.

NEW—Robert Louis Sanders, Palm Beach, Fla.—Construction per-
1420 mit to erect a new broadcast station to be operated on **1420 kc.**, 100 watts, unlimited time; transmitter and studio, 235 Sunrise Ave., Palm Beach, Fla.

WBHS—Virgil V. Evans, Huntsville, Ala.—Construction permit to
1200 move studio and transmitter from Huntsville, Ala., to Chattanooga, Tenn., site to be determined; change call letters to WTVA.

WAPI—WAPI Broadcasting Corp., Birmingham, Ala.—Modifica-
590 tion of license to change frequency from **1140 kc.** to **590 kc.**, power from 5 KW to 1 KW night, 5 KW local sunset; change hours of operation from simultaneously with KVOO day, S-KVOO night, to unlimited time.

NEW—Educational Radio, Inc., Spartanburg, S. C.—Construction
1420 permit to erect a new broadcast station to be operated on **1420 kc.**, 100 watts night, 250 watts day, unlimited time, amended to request 100 watts day instead of 250 watts.

NEW—Leo J. Blanchard, Fredericksburg, Tex.—Construction per-
1310 mit to erect a new broadcast station to be operated on **1310 kc.**, 100 watts, specified hours, amended re equipment.

WIS—Station WIS, Inc., Columbia, S. C.—Modification construc-
560 tion permit (3-P-B-3258), approval transmitter site at Bluff Road, near Columbia, S. C.; changes in equipment; increase day power from 2½ KW to 5 KW.

Fourth Zone

NEW—Garden City Broadcasting Co. (a partnership), (Homer A.
1210 Ellison and Frank D. Conard), Garden City, Kans.—Construction permit to erect a new broadcast station to be operated on **1210 kc.**, 100 watts, unlimited time; studio, 108 N. Main Street, Garden City, Kans.; transmitter, city limits west, Garden City, Kans.

KFYR—Meyer Broadcasting Co., Bismarck, N. Dak.—Modification
550 of license (4-L-B-418) to increase day power from 2½ KW to 5 KW.

WKBF—Indianapolis Broadcasting, Inc., Indianapolis, Ind.—Modi-
1400 fication of license (B4-L-23) to increase night power from 500 watts to 1 KW.

WIND—Johnson-Kennedy Radio Corp., Gary, Ind.—Construction
1460 permit to make equipment changes; increase power from 1 KW night, 2½ KW local sunset, to 1 KW night, 5 KW local sunset.

NEW—J. L. Scroggin, St. Joseph, Mo.—Construction permit to
1500 erect a new station to be operated on **1500 kc.**, 100 watts, local sunset to midnight, amended to make changes in equipment.

KFRU—KFRU, Inc., Columbia, Mo.—Modification of license (4-B-
630 L-566) to increase day power from 500 watts to 1 KW.

WCAZ—Superior Broadcasting Service, Inc., Carthage, Ill.—Con-
1070 struction permit to make equipment changes, change day power from 100 watts to 250 watts; requests facilities WDZ.

WJBC—Wayne Hummer and H. J. Dee, d/b as Kaskaskia Broad-
1200 casting Co., LaSalle, Ill.—Construction permit to make equipment changes move transmitter from 2nd and Marquette, LaSalle, to Gregory Ave., Normal, Ill., studio from same to Illinois Wesleyan University, Bloomington, Ill.

WDAY—WDAY, Inc., Fargo, N. Dak.—Construction permit to
940 make equipment changes; increase power from 1 KW night, 2½ KW local sunset, to 1 KW night, 5 KW local sunset, amended re equipment.

KGKY—Hilliard Company, Inc., Scottsbluff, Nebr.—Construction
1500 permit to install new equipment; increase power from 100 watts to 100 watts night, 250 watts local sunset.

WMBD—Peoria Broadcasting Co., Peoria, Ill.—Modification of
1410 license to change frequency from **1440 kc.** to **1410 kc.**, and change hours of operation from S-WTAD to unlimited time. Requests facilities WHBL and WROK.

Fifth Zone

W7XBD—Oregonian Publishing Co., Portland, Ore.—Modification construction permit to erect a new general experimental station to be operated on **1614, 2398, 3492.5 kc.**, 1 KW, for extension of completion date to 8-15-35.

NEW—Walter L. Stricker and Chris Larsen, Rock Springs, Wyo.—
1210 Construction permit to erect a new broadcast station to be operated on **1210 kc.**, 100 watts, unlimited time, studio and transmitter sites to be determined.

KOIN—KOIN, Inc., Portland, Ore.—License to cover construction
940 permit (5-P-B-2820) as modified to change equipment and increase power from 1 KW to 1 KW night, 2½ KW local sunset.

KDFN—Donald Lewis Hathway, Casper, Wyo.—Modification of
630 license to change frequency from **1440 kc.** to **630 kc.**

KGVO—Mosby's, Inc., Missoula, Mont.—Construction permit to
1260 install new equipment, change frequency from **1200 kc.** to **1260 kc.**, increase power from 100 watts to 1 KW, amended to change location, transmitter site to be determined (near Missoula).

KGIX—J. M. Heaton, Las Vegas, Nev.—Modification construction
1420 permit (5-P-B-2660A) as modified to install new equipment, increase day power from 100 watts to 250 watts, change time from specified hours to 8 a. m. to 8 p. m.

KGIX—J. M. Heaton, Las Vegas, Nev.—Modification construc-
1420 tion permit (5-P-B-2660A) as modified to extend completion date to 2-2-35.

KSEI—Radio Service Corp., Pocatello, Idaho.—License to cover
890 C. P. to move studio and transmitter.

KOOS—H. H. Hanseth, Inc., Marshfield, Ore.—Modification of
1260 C. P. to change frequency from **1200 kc.** to **1260 kc.**

APPLICATIONS RETURNED

WRAK—WRAK, Inc., Williamsport, Pa.—License to cover C. P. to move transmitter, install new equipment, and increase power. (Wrong form.)

KFBB—Buttrey Broadcast, Inc., Great Falls, Mont.—C. P. to make equipment changes, increase power from 1 KW, 2½ KW LS, to 1 KW night, 5 KW LS, and to change studio location. (Rule 14 e and 14 f.)

WIBG—WIBG, Inc., Glenside, Pa.—C. P. to install new equipment, move transmitter, increase power, change hours of operation (request of applicant).

KOIL—Mona Motor Oil Co., Council Bluffs, Iowa.—License to cover C. P. as modified to install new equipment.

NEW—The Close-up Publishing Co., Bell, Calif.—C. P. to erect a new broadcast station to be operated on **1070 kc.**, 100 watts, daytime (equipment and transmitter location).

NEW—W. L. Gleeson, Sacramento, Calif.—Construction permit to erect a new broadcast station to be operated on **1490 kc.**, 5 KW, unlimited time, amended requesting daytime operated. (Rule 5.)

The National Association of Broadcasters

NATIONAL PRESS BUILDING ★ ★ ★ ★ ★ WASHINGTON, D. C.

PHILIP G. LOUCKS, Managing Director

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SEPTEMBER 17, 1934

Monday Morning

The opening session of the twelfth annual convention of the National Association of Broadcasters, held at the Netherland-Plaza, Cincinnati, convened at 10:15 o'clock, President Alfred J. McCosker (Bamberger Broadcasting Service, Inc., Newark) presiding.

ADDRESS OF THE PRESIDENT

ALFRED J. MCCOSKER

(Bamberger Broadcasting Service, Inc., Newark, N. J.)

Ladies and gentlemen, I would like to declare open the twelfth annual convention of the National Association of Broadcasters.

I received word just a few moments ago that the Hon. Russell Wilson, Mayor of Cincinnati, will be delayed this morning in his attendance here. As a matter of fact, he had already prepared to leave his office and was stopped by an emergency matter so he sent us word and he will appear later on the program.

Therefore, we will proceed to the second item on the program, which is the address of your President. I want to say, first of all, a word of welcome. I am very gratified and encouraged by the numerical attendance. It will require the holding of the meeting, the various sessions, to find just what work will be done but I am optimistic about that.

Today we of the broadcasting industry open our twelfth annual convention. A dozen years have passed since the organization of the National Association of Broadcasters by a few enterprising individuals in a new field of endeavor that hardly could be termed an industry.

In other major industries, a twelve-year span usually is significant. But, in broadcasting, it harks back to the beginning of our industry. Let us take a quick inventory. We find that the first station began operation in 1920, that the first radio advertising program was broadcast in 1923 and that the first commercially sponsored program to be handled on a national basis occurred in 1925. The first permanent nation-wide network was not organized until 1926 and orderly regulation of broadcasting did not begin until 1928.

Just twelve years ago—in 1922 when our Association was formed—the estimated number of receiving sets was 60,000. The next year the total grew to 1,500,000 and in 1927 there were 6,500,000 sets. Now, there are more than 18,500,000 families who have radio receivers, or a potential listening group in excess of 50,000,000. About 60 per cent. of the country's homes possess sets. Nearly half of the world's total of receiving sets are in American homes.

All through this development period, the majority of the broadcasters, with only a few striking exceptions, have taken their trade association for granted. They have not appreciated the magnitude of the job in combating those opponents who have relentlessly and insidiously fought our existing system. Apparently, because the industry has never lost a battle, they feel that these only too real threats against the "American System" are simply figments of imagination.

I want to tell you as forcibly as I can that without the National Association of Broadcasters, there would not be a private radio broadcasting industry in this country today. That may sound absurd, fantastic, but, in my opinion, it is so. Individual squabbles about rates, time clearances, talent and news broadcasts are insignificant, collateral issues when stacked up against the broad industry issue that is constantly seething in Washington.

You will hear about the legislative situation from Henry A. Bellows, our Legislative Committee Chairman. And, you will hear about other phases of the Washington picture from our distinguished guest speaker—Chairman Hampson Gary of the Broadcast Division of the Federal Communications Commission; Col. Thad H. Brown, Vice Chairman of the Broadcast Division of the Federal Communications Commission; Senator C. C. Dill; Commissioner Ewin L. Davis of the Federal Trade Commission; and Sol A. Rosenblatt, Division Administrator of the NRA. Mr. Oswald Schuette and Mr. Joseph Hostetler will likewise address you.

When you listen to their words, put yourself in the frame of mind of the men who look after our interests in Washington, of the officers of your Association. You will realize that they have to be prepared for any emergency. Broadcasting is the most regulated of American industries. We have had no quarrel about that. But, we must be on the alert to prevent over-regulation. It is only a short step from proper regulation to that character of federal control which might impair, if not wreck, our freedom of operation.

The point I want to stress is that our biggest industrial job, for

the present, anyway, must be directed on the Washington front. That is where our opponents have concentrated their efforts. Coupled with that, of course, must be judicious control of our program and commercial methods through our own efforts, but we have done an effective work during the past two years in spiking the guns of the opposition on these scores by our self-imposed housecleaning program. We must act together in this Washington offensive and we can do that only by giving our trade association our best support.

As Mr. Loucks and Mr. Bellows will tell you, the past year, from the legislative standpoint, has been the most hectic in our history. We came through unscathed, first, because we were right and, secondly, because we had the men on the job. But, the task is not yet finished. Really, it has only begun.

On October 1, the Broadcast Division of the Federal Communications Commission begins hearings in compliance with the Congressional mandate that it investigate and report on the demands of those so-called non-profit groups, like the religious and educational, for a share of the broadcasting facilities available to the country. We all know that any class allocation by Congress of the character proposed would undermine our industry and might lead eventually to nationalization of American broadcasting, after the fashion of continental systems. We know that a strong defense is necessary. We know we can prove our case on the facts but we must have those facts. That is why we have called upon you for cooperation. We know that our system provides for the listening public the best program service available to any other people in the world.

The October hearings are all-important. I shudder to think what might happen if we did not have an NAB, supported by the industry, in readiness to handle presentation of our case. Upon the FCC report, it follows, Congress will be guided in enacting new radio legislation next year.

During this convention you will hear about the steps we have taken in building our case for the October hearing. And, you will get an idea of the amount of work entailed in the preparation of such a case, which is the case of each individual broadcasting station, of network and independent outlet alike, of the clear channel stations in the major markets and the 100-watters in the smaller markets.

During our three-day session we will take inventory of the last year and devise plans for the future. We have many problems, some of which have been with us from the beginning. All of them converge at the same point—means of providing maximum service to our patrons, the listeners, while maintaining our freedom of action and enjoying the constitutional privilege of reasonable profit on our investments and for our labors.

In closing, I want to pay tribute to my associates in administering the affairs of the Association during the past year. We have never had a busier year and we have never had a more industrious Board of Directors. To our Legislative Chairman, Mr. Bellows; to Frank M. Russell, M. R. Runyon, John Elmer and others, we all owe a debt for giving unstintingly of their time and efforts in devising the legislative procedure in behalf of American broadcasting during the past year, also to John Shepard of Boston and his associates on the Code Committee. Well, it would be impractical and impossible for the average member to realize the amount of time and effort that is requisite when it is necessary to attack the problems that are brought before the Code Committee.

I believe that the last year has been a year of progress in the NAB. I think there has been progress in the enlarged membership, progress in its financial status, progress in its legislative attack, progress in the copyright situation, progress in the prestige in the minds of the national administration and progress in commercial acceptance.

I thank you. (Applause.)

Now, ladies and gentlemen, I have pleasure in presenting the man who more nearly than any other single individual stands at the head of government regulation of the broadcasting industry in the United States—the Chairman of the Broadcast Division of the Federal Communications Commission.

Hon. Hampson Gary is a son of the West. He has had a distinguished career. He was captain of the U. S. Volunteers in the Spanish-American War and later colonel of an infantry regiment. He has been standing master in chancery in the Federal Courts, is a former solicitor of the State Department, our war-time Minister to Egypt, technical delegate to the Peace Conference in Paris and United States Minister to Switzerland after the Armistice. First and foremost, however, Mr. Gary is a lawyer of many years busy practice, which he left at the invitation of President Roosevelt to become Federal Communications Commissioner.

He has done us the honor to accept our invitation to be present today and address us. His subject is "Broadcasting under the New Deal." Ladies and gentlemen, Commissioner Gary. (Applause.)

BROADCASTING UNDER THE NEW DEAL

Address by Hon. Hampson Gary

(Chairman, Broadcast Division, Federal Communications Commission)

President McCosker, members of the convention, ladies and gentlemen: I appreciate sincerely the kind invitation to be present at this, the twelfth annual convention of the National Association of Broadcasters. It is a pleasant privilege to meet so many of the men and women who help make radio what it is today, to meet you personally, learn from your proceedings here and talk over with you informally some of the problems pertaining to your work. For, my friends, the Federal Communications Commission has been created by your government to serve—to serve you and the whole people—and we earnestly desire to know you better, understand more thoroughly your problems, that we may the better do our part of the work.

I am glad your convention is being held this year in the Queen City of Cincinnati, home of the most powerful broadcast station in the world. Here, in the city that claimed for its own, Lawrence Maxwell, Nicholas Longworth, Judson Harmon, William Howard Taft and others who greatly served the nation, you may gain fresh inspiration to carry on your important work.

You will not expect me to attempt this morning any panegyric on radio—amazing art and science. All of us appreciate full well that it is an extraordinary medium for good or ill, and that it must be guarded zealously. Nor do I have to tell you that we of the Communications Commission, under the law, have no powers of censorship over radio. And let me add, we desire none. The United States is the land of freedom of speech, freedom of the press, and radio should be maintained as a free American enterprise. The Communications Commission has no wish to dictate what manner of entertainment or discussion shall go on the air. It is not desirable or necessary. We want the broadcasters themselves to maintain, for the sake of their own continued existence, a clean, wholesome American attitude and balance, the kind that good taste and common sense suggest.

Without trying to flatter you, let me say that, taking into consideration all the circumstances, the broadcasters have so far done a good job. But, you will be the first to admit, I'm sure, there is room for improvement. There is certain advertising being done on the radio that is unfortunate, to say the least. We've all heard people on the air who should not have been on the air. Here is presented the opportunity for you to do some housecleaning. Is it not practicable in our free land for the radio advertisers themselves, together with the radio stations and networks, to develop their own school of ethics, guiding themselves? I think it is!

I'm glad to say I already see a voluntary and earnest effort on the part of broadcasters and the broadcast advertisers to maintain themselves and their programs, in their own interests as well as the public's, as great public service institutions. There are different schools of thought with respect to the program character of broadcasting, but assuredly there can only be one school with respect to its ethical standards. What plan for radio shall we make permanent in the United States? Members of the convention, you, and those associated with you, have it in your power to do, voluntarily, in the immediate future, a work that will gain you the wide approval of the people of our country. It is my personal opinion that you have it in your power at this time to establish in the people's consciousness the status radio is to occupy permanently in the United States.

We hear often today the word "censorship," of an alleged threatened interference in the freedom of speech, the press and the air. Is there an American, familiar with our history and traditions and with the provisions of the constitution of the United States, who truly believes his government desires, or would attempt, such a preposterous thing? The question answers itself. Certainly it is not censorship to bar from the wave lengths the vicious, the indecent, the profane! The law compels this be done.

In the proper employment of radio facilities, the United States Court of Appeals for the District of Columbia has held that one may not demand, as of right, the continued use of an instrumentality of interstate commerce for strictures upon character, for the criticism of religious practices, for the satisfaction of personal malice, or to indulge in slander, which opinion the Supreme Court

of the United States, on certiorari, refused to disturb, thus, in effect, leaving this the law of the land.

This doctrine accords with the familiar and fundamental principle that free speech does not include unrestricted license. The broad rule governing matters of this kind is, of course, to be found in the legislative yardstick "public convenience, interest or necessity." The Supreme Court, in construing these words, has said that the standard set up is not so indefinite as to confer unlimited power, that "the requirement is to be interpreted by its context, by the nature of radio transmission and reception, and by the scope, character and quality of services."

In considering whether public interest will be served by the renewal of a license, the courts have held the Commission has not erred in taking into consideration the past conduct of licensees. This, the courts have said, is not censorship. The rule "by their fruits ye shall know them" may sometimes seem harsh in its application but we must visualize the widespread damage that would follow uncontrolled abuse of the air—by even a single station—broadcasting, let us say, false, misleading and fraudulent advertising. And, there could be abuse graver than this.

In so far as the broadcasting of obscene, indecent or profane language is concerned, the courts have, of course, sustained as constitutional this statutory provision. Regulation such as this is not censorship.

These decisions do not restrict—on the contrary, they safeguard—our constitutional guarantees. So much, then, as to license, never a part of free speech.

Right here I want to say a few words about our Legal Department. In Paul Spearman, our General Counsel, and his staff of capable attorneys, we have the men and women to aid us on the questions of law that so genuinely affect the public welfare.

Now, I know you are all interested, perhaps some of you are disturbed, too, in what our Broadcast Division of the Federal Communications Commission is going to do in a technical way. There has been much loose talk about an imminent reallocation and about wholesale shifts in existing frequency and power assignments.

Let me assure you, nothing revolutionary is in view. Naturallv, we shall bend every effort to improve the existing set-up for the benefit of the public's reception and for your benefit. We recognize, of course, that there must be a sound economic as well as technical basis for the broadcasting structure. But, the technical basis must not be disturbed if it will seriously affect adequate service to the listener. The listener comes first—and especially the remote listener on the farms and in the villages whose happy existence is so definitely bound up with radio entertainment and education.

The scientific side of broadcasting must be maintained above reproach, as I think it has been under our predecessor, the old Radio Commission—at least, considering the task that confronted it in accommodating, in collaboration with our Canadian neighbors, so many stations on this continent on so few wave lengths. In Dr. Jolliffe, our Chief Engineer, and the efficient members of his staff, I believe we have the men to carry on the work on a basis of sound scientific principles. They have guided and will, under the direction of the Communications Commission, continue to guide in the best interests of the public, whose interests, after all, are yours.

Of course, I do not mean to say or infer that things are to be stationary in radio. Advantage must be taken of technical developments as they occur, and it is our duty to you and the public to see that this is done. It has been a primary principle in the past that broadcast stations must be maintained and operated in accordance with good engineering practice. This principle must, and will, be continued. We want to make changes with a minimum of disturbance to the existing structure, nevertheless we must keep an eye to the future. That is one reason why the Commission, not long ago, opened three frequencies between 1500 and 1600 kilocycles not previously used for broadcasting, for "high fidelity" experimentation. That is why we of the Broadcast Division, after we have obtained the reports and recommendations of our engineers, may urge or direct you, from time to time, to alter your equipment to keep pace with the new developments in the radio art and science. You may have to dig into your pocketbooks but the price will be small by comparison with the results to be achieved in maintaining the proper technical service to our great American public.

Let me assure you again: What we do will be with a minimum of breaking down the present allocation and assignments thereunder. What we direct will be evolutionary rather than revolutionary. What we shall ask of you is simply that you maintain the same progressive standards on the technical side that the public demands you shall maintain on the side of culture and entertainment.

This, my friends, is the spirit of broadcasting under the New Deal. Let us renew our faith and confidence this day. Let us go out from this convention with a sense of security in business, with a deep desire to serve, and with courage and resolution to make a better day.

(The convention arose and applauded.)

PRESIDENT McCOSKER: Commissioner Gary, I am sure that I bespeak the feelings of the members of the National Association of Broadcasters when I thank you for coming to our convention and thank you for your well-informed, temperate and encouraging talk. And, further, I feel that I bespeak the attitude of the members of the National Association of Broadcasters when I say that we are in complete accord with you in connection with the safety of broadcasting in the hands of the present Commission and those whom you have named, Mr. Paul Spearman and Dr. Jolliffe.

Gentlemen, at this time I have the privilege of bringing before you a letter from the President of the United States who, because of his absorption in affairs of state as well as the necessity for a brief vacation at Hyde Park, found it impossible to accept the invitation which was extended to him.

The letter is dated from Hyde Park, New York, September 14, 1934.

"My dear Mr. McCosker:

"It gives me pleasure again to extend to you and the members of the National Association of Broadcasters, assembled in convention at Cincinnati, Ohio, my heartiest greetings. A year ago in a brief message to you, I made the statement that I was looking forward to your continued cooperation in assisting the Government to present to the people of the United States honest discussions of all phases of national problems we would face and their solutions.

"The cooperation given by your members in these discussions, over the past twelve months, has given me great faith in the American system of broadcasting. I know, as you must, that the American system of broadcasting is a regulatory system and by its every fundamental principle relegates the thought of censorship to the background of the minds of every one who really knows and appreciates your policies and daily problems. The American system of broadcasting assures an equality of freedom similar to that freedom which has been and is the keystone of the American press.

"I am not unmindful of another benefit which radio gives all the people and to all classes of business. That is a stimulation of buying power and its assistance to commerce generally.

"I know this convention will carry forward another year of successful achievement and assure you that you have my good wishes and those of the entire country.

"Very sincerely yours,

"(Signed) FRANKLIN D. ROOSEVELT."

(Prolonged applause.)

Gentlemen, it is now my pleasure and privilege to present to you, because, assuredly, he needs no introduction, the Hon. C. C. Dill, United States Senator from Washington.

(The convention arose and applauded.)

In two senses of the word, at least, Senator Dill has come home today for he was born in Knox County—that is one reason why he is back home. And, the other is that he is among the broadcasters and that certainly is home to Senator Dill. We all know that his work in the Senate for the broadcasting industry has been friendly, intelligent and militant, and I am sure he knows how completely he has the gratitude of the members of the National Association of Broadcasters. Senator Dill. (Applause.)

NEWS BY RADIO

Address by HON. C. C. DILL

(U. S. Senator from Washington)

Mr. Chairman, members of the convention, ladies and gentlemen: some of you know I had a little accident. If it hadn't been that I had spent so much time and felt I had a message I wanted to give you, I think I would have canceled my engagement. But, that may have its advantage. Whatever I say will depend largely upon its own merits and not any gift of expression I might other-

wise have been able to have given had I been in better physical condition.

I appreciate the introduction of your President. During the years I have been in the Senate, it has been my privilege to have something to do with the legislation regarding radio and to attend a great many of these conventions. I am not sure just which ones I have missed but I am sure I have attended at least a majority of your twelve conventions.

When Mr. Spence wrote me at Spokane and invited me to come here and address you, he suggested I might choose my own subject and I immediately chose the subject "News by Radio." I chose that subject because I believe it is the most important subject for broadcasters to consider among themselves in connection with radio today.

The controversy in this country over news by radio centers about the question whether the radio or the newspapers should be first to give important news to the public. We may properly recall that the broadcasting of news not yet printed in the newspaper gave birth to radio in the United States. Since radio broadcasting service originated in this country, news by radio brought radio service into existence for the human family.

Why did the broadcasting of election returns from East Pittsburgh on election night in 1920 arouse so much interest? Because those returns were news, up-to-the-minute news not yet printed in the newspapers. What if those election returns had not been broadcast for several hours after the newspapers printed them? Do you think the listeners would have written such strong letters to the Westinghouse Company urging the broadcasting of more news? Of course not. Those election returns were flash news—up-to-the-minute news, if you please—that made them so interesting.

Our newspaper friends should note also that the newspapers furnished those election returns to the Westinghouse Company and that those same listeners were not satisfied with simply the flash news heard by radio that night. They bought the newspapers the next morning just as previously. They wanted the full reports and the interpretative discussions which only the newspapers furnish. The people wanted newspapers before we had news by radio. They will continue to want newspapers after radio gives up-to-the-minute news flashes and brief news reports in the future.

News by radio gave birth to radio broadcasting not only in this country but also in Denmark. A few years ago The Politicken, the leading daily newspaper of Copenhagen, was operating an experimental radio station. It announced in its news columns that each day at noon the radio station would broadcast brief news reports of the trial of the president of a large bank in Copenhagen who was charged with embezzlement. Depositors all over Denmark were deeply interested.

As a result, the interest of listeners in radio became so great that the government later took over all radio broadcasting there. Today the government radio station of Denmark broadcasts news four times each day and pays The Politicken several thousands of dollars annually for the news which it furnishes.

What is the result? There are more radio sets in proportion to population in Denmark than in any other country in the world, and The Politicken has found that news by radio is one of its best means of securing and holding its circulation.

News by radio in this country has had a haphazard history. Generally radio stations have used news reports from newspapers, sometimes by permission and sometimes not. Of course, no radio station has any right to use news collected by press associations or newspapers without paying for the news, but since radio stations can give news so much more quickly and to such vast numbers instantaneously, news by radio serves the public interest, and serving the public interest is the legal basis for the grant and renewal of radio licenses.

During the winter of 1934, representatives of the press associations and of the radio chain systems held a conference on this subject and formulated what is known as the Press-Radio Agreement for news by radio. By that agreement, the radio chains surrendered radio's birthright. They made the agreement as an experiment to avoid a bitter fight over the question of whether radio or the newspapers should be first to give the news. They yielded to the newspapers.

At that time I protested against the agreement on the floor of the Senate. I predicted it would be highly unsatisfactory to radio listeners. I pointed out it would certainly bring rebellion and confusion among radio stations and that it could not continue long.

Several months have passed. The result is chaotic. The Press-Radio Agreement is a failure. It satisfies nobody because it flies in the face of progress. The listeners are disgusted with it. Most stations refuse to use it. Many newspapers say it is unsatisfactory. Radio stations and newspapers all over the country are trying all sorts of schemes to furnish news by radio in violation of the spirit of the agreement. Even most of the stations now using the Press-Radio bulletins pronounce them highly unsatisfactory.

Either the press associations must change the terms of the agreement so radio stations can give their listeners up-to-the-minute news and for longer periods of time, or radio stations will find or create means and methods for securing news entirely independent of the press associations.

This is not only their full right, it is their duty; it is a part of that public service which they are bound to give if they are to justify the use of the radio frequencies the government has granted them.

Let me call attention to how one-sided the Press-Radio Agreement is:

First, it limits the time which stations may broadcast general news to two five-minute periods during each twenty-four hours. This is about 1000 words per day.

Second, it fixes the time at which even those five-minute periods shall be used, so that the news by radio will not be broadcast until after it has been printed in the newspapers.

Third, representatives of the press associations, and they alone, determine what news shall be broadcast and what shall not be broadcast.

Fourth, the representatives of the press associations, and they alone, write the language of the broadcast copy, and literally hundreds of station managers say the language used is uninteresting and tiresome.

Fifth, no station is allowed to have the news it broadcasts sponsored by a commercial advertiser.

Sixth, the press associations give the news to the stations. They say it is a "public service." That makes the stations charity institutions, as it were, so far as news by radio is concerned. Since the news costs them nothing, the radio stations can't complain. They must take what they get and be thankful.

Seventh, and worst of all, radio stations are bound not to use news from any other source except the 1000 words from the press associations. This compelled the Richfield reporter on the Pacific Coast recently to abandon the up-to-the-minute news reports which have made that service so popular.

As operated today, this Press-Radio Agreement simply results in the press associations censoring all national and world news by radio. From the standpoint of radio, it is tyrannical and indefensible. Every radio station that complies with it, makes radio subservient to the press in the collection and dissemination of news. It can not continue because radio stations will not submit to it.

There have been so many complaints that the press associations themselves have changed the agreement. The press associations have lately been giving brief flashes of world news too important to be held up until newspapers have printed them. Such events as the killing of Dillinger and the SOS call from the Morro Castle steamship last Saturday morning are examples of this change. But, even with this change, the radio stations bound by this agreement must await the pleasure of the press associations as to what flashes they may broadcast and when.

The most objectionable thing about the Press-Radio Agreement is the effect it is having on radio listeners. Intentionally or unintentionally, the press associations are chloroforming radio listeners into believing that news by radio is a poor substitute for news by newspapers. To that extent, they are destroying the listening public of radio.

They are teaching radio listeners that they must look first to newspapers for news. If they can't get the newspapers until they are old, then they may get a stale, sketchy, uninteresting statement of a few items of news by radio. In actual operation, this plan causes radio stations to destroy their own listeners' love for one of their most popular and informative features, namely, live, hot, up-to-the-minute reports of news events of the nation and the world as they happen from hour to hour by day and night.

This Press-Radio Agreement had one virtue. By surrendering their birthright of broadcasting news before it was printed and limiting the broadcasts to two five-minute periods each twenty-four hours, the radio chains proved their willingness to do everything possible to avoid a fight. Now that this plan has proved a failure, the press associations should be willing to sell uncensored news to radio stations, let them broadcast that news with sponsors or without sponsors, whenever the stations desire. Newspapers and radio stations should cooperate fully and freely, and radio stations be just as free to broadcast any and all news as newspapers are to print any and all news.

While there may seem to be some competition between the press and the radio in giving news to the public, the fact is they supplement one another far more than they compete with one another. News by radio must be brief to be interesting. News by newspapers must be more detailed to satisfy readers. News by radio lasts but for the moment. News by newspapers is in permanent form.

News by radio includes descriptions of events while they are happening such as sports, races and celebrations, and radio also may give the actual event itself, such as a speech, a musical program or a convention. Such news is exclusively for radio. News by newspapers contains descriptions of things about these events impossible for radio to cover at the moment and also interpretations by leaders and experts.

The fact is the newspapers should use the radio transmitter as a new advertising medium. Not all newspaper publishers have overlooked this because newspapers own sixty-eight radio stations and an even larger number have mutually beneficial arrangements with privately-owned radio stations.

In the past, newspaper publishers have been quick to seize upon new inventions. They replaced the pony express with the telegraph and the telephone. Then they added the teletype and the automatic printer. They bought linotype and typecasting machines. They bought high-speed presses. They established mail distribution by auto and airplane. Why? To speed up the delivery of news.

In addition, they have used every device possible to attract readers. They have erected bulletin boards outside their offices to carry news headlines of events before being printed. They have newsboys to shout headlines of their newspapers in stentorian tones. Why? To whet the news appetites of those on the streets.

Here is a medium by which the newspaper can cry its headlines and brief news statements to literally hundreds of thousands and millions all at once. It seems unbelievable that they don't use it or that they should try to throttle and handicap it to the point where they force radio stations to set up a competitive service, which a few years hence may easily become so powerful that it will prove a Frankenstein to them by printing radio newspapers simultaneously all over the world.

There can be only one explanation. The business manager has supplanted the news manager in dealing with news by radio. In other words, they are thinking in terms of advertising. They think if radio becomes more popular, radio advertising will increase and newspaper advertising will be more difficult to secure.

Statistics show that fear is more imaginary than real. Radio advertising has never exceeded one-seventh of the amount spent for newspaper advertising nor one-ninth of the combined total for newspapers, weeklies and magazines. There can not be much increase in this proportionate expenditure for radio advertising because the number of radio stations is limited and increased rates can not more than keep up with natural increase in newspaper and magazine advertising.

But, even if the fears of newspaper publishers were justified and even if increased popularity of radio would decrease newspaper readers, there is a bigger consideration than the financial one. The public interest demands that radio stations give news to their listeners in order that the people may know the truth and whole truth regarding public controversies.

When the forefathers wrote the constitution, they inserted freedom of speech and freedom of press as two of the chief pillars of the temple of liberty. They knew that no majority, however strong, should ever be allowed to override these rights and that any majority, however weak, must always be able to exercise them.

What has happened? By taking advantage of inventions for rapid communication and rapid printing and speedy transportation in the newspaper business, newspaper publishers are giving the American people millions of copies of daily newspapers every day.

Exercising this right of freedom of the press, the owners of many of these newspapers omit some news, exaggerate other news and minimize or distort still other news. In short, many of our largest newspapers have become the personal or partisan organ of the corporation or individual who owns them.

If readers complain, their answer is that this is a free country and you can start a newspaper of your own. But, that isn't as simple as it sounds. It takes enormous sums of money to start a daily newspaper and build it into a paying proposition. The result is that year by year, big newspapers are being bought by their competitors and we have larger and fewer daily newspapers in our great cities each year with a more monopolistic control of sources of news.

The abuse of this right of free press by great newspapers, as I have described it, has destroyed the confidence of the masses of the people in the press in many parts of the country. They doubt that they are getting the full truth about controversial matters. They deplore their inability to get both sides, and in many communities the support of certain newspapers for any cause, often does that cause more harm than good.

During this development of the free press into such a vast power in the creation and influencing of public opinion, the power of free speech has dwindled greatly in comparison. The human voice can be heard only a short distance. Without newspaper publicity, it has often been impossible to assemble crowds to listen to a speaker. The newspaper reaches millions and they are often dependent on one set of newspapers for their information.

Now we have radio. It can combat the abuse of the power of the press as no other agency ever developed, if we establish complete freedom of speech on the radio. We must make freedom of speech by radio as sacred as freedom of speech on the platform has so long been.

We have the only system of radio by which we can compel freedom of speech by radio. Under government-owned radio systems, there is no freedom of speech. There is no freedom of speech by radio in Germany or Italy or Russia. In those countries, speech by radio is simply propaganda by those in power to retain control of the government. Even in democratic England, in free France and in liberty-loving Denmark, there is no freedom of speech by radio for the discussion of public questions.

Under our system, Congress makes the law for regulating radio stations and Congress will compel freedom of speech by radio whenever public opinion demands it. I think the law already implies that. Freedom of speech on the radio is a public necessity. If radio listeners are to be able to think and act intelligently as free men and women in the formation of that public opinion which, in the end, becomes the law of this land, they must have the facts that only freedom of speech by radio will give them.

News by radio is the very essence of freedom of speech by radio. No radio station would dare omit important news items or exaggerate or distort facts. That would be against the public interest and would endanger the renewal of its license. Radio stations today which broadcast only the one-sided reports of individual newspapers are likely to find themselves in that kind of trouble when their licenses come up for renewal. That is one of the strongest reasons why radio stations should have their own independent radio news service.

Another great public benefit which a radio news service giving both sides of all public controversies would render would be that it would compel those newspapers now guilty of omitting, exaggerating or distorting the news to cease such practices, or stand convicted of duplicity before the world. By means of short waves and chain system broadcasts, an independent radio news service could reach the whole country. This would make radio an invaluable force in the creation and formation of an intelligent public opinion. It would compel the press to serve its highest purpose of telling "the whole truth and nothing but the truth" because the truth will keep us free.

Radio stations are handicapped because they are not organized to secure news by radio. The Associated Press has 1,200 members. But, the Associated Press, the United Press, the International News Service and the Universal Service, with their 2,000 newspapers, are all solidly united when they deal with radio stations regarding news by radio. It is the old, old story: "In union there is strength." If radio stations are to be able to assert their rights to give news by radio, they must have an organization for that purpose.

Let me now outline what an associated radio news organization of 100 or more stations could do.

First, it could either induce press associations and newspapers to sell news flashes and brief news reports for use by radio stations, or failing in that, it could finance the beginning of a great radio news service. At a cost of $25 per week for small stations and $50 to $75 per week for large stations, it could set up its own news bureaus in large cities, use its own station members as correspondents in smaller communities, and buy a foreign news service for use until it became powerful enough to create its own world radio news service.

Second, an associated radio news organization of 100 or more stations could secure recognition for its correspondents on an equal basis with press associations, because its listening public would be greater than any press association on earth.

Third, such an organization could send its news to member stations by short waves to be received on automatic short wave silent printers in station offices, at rates low enough for sending 3,000 to 4,000 words per day. This short wave printer is not a

dream of the future. It is a reality now. I have seen it in operation. It is being tested for distance of reception now and will be on the market for commercial use before an associated radio news organization of 100 stations or more can be formed and in readiness to use it.

Fourth, such an organization could secure licenses for its members to use the necessary short waves to pick up sport events or celebrations where wire service is not available. The Associated Press and United Press often secure short waves for such purposes, but individual stations in small communities find it almost impossible. Such an organization could work out schedules for the use of short waves by member stations with approval of the radio engineers of the Communications Commission.

Fifth, if the newspapers should start a fight on radio because of news by radio and refuse to print station programs, as they have repeatedly threatened to do, such an organization could easily print their own national weekly publication such as the Radio Times of the British Broadcasting Corporation. It could then copyright radio programs and no newspaper would dare print them except by permission and then in the form the organization might direct. When it is possible to transmit newspapers by facsimile, it will be able to compel newspapers to treat fairly or face a new kind of competition in their own field.

Sixth, such an organization could keep in direct touch with the impending developments in short wave facsimile transmission, which will certainly revolutionize the art of communication. This development again is not a dream of the distant future. It is already a reality that is just ahead, probably not more than a year or two at most. Radio broadcasters should have such an associated radio news organization to take advantage of these developments as fast as they are made, in order to fulfill the true destiny of radio in presenting news first to all the world.

Such an organization is not only possible now but it is highly desirable in the interest of radio. I believe the broadcasters of this Association should start it before they leave Cincinnati.

I have talked to many leading radio men of this country. I have read the replies of 364 of the active station managers to my letter and questionnaire. Practically all of them believe that listeners want news by radio, and 281 of 363 replies favor the formation of an associated radio news organization.

In other words, 80 per cent. say they favor such an organization. Of course, nobody knows the attitude of the other 200 stations which did not reply, but having had considerable experience with election returns, I have generally found that when 60 per cent. of the vote was in, if that 60 per cent. was from all parts of the state or nation, the final totals generally resulted only in added majorities for those who were ahead.

Several of the newspaper-owned stations favored such an organization unless the press associations release more up-to-the-minute news. Many stations favored on condition the cost is not too heavy.

The 281 stations favoring the formation of an associated radio news service consisted of:

	Watt station
1	15
2	50
98	100
21	250
63	500
55	1,000
3	2,500
13	5,000
5	10,000
2	25,000
12	50,000

Of the 106 chain stations of the two networks replying, 62 favored such an organization and 34 opposed it.

Of the 364 replies, 296 give some kind of news by radio and 141 use Press-Radio. Of these 141 such users, 100 said it was unsatisfactory, while 54 stations not using Press-Radio news declared it so unsatisfactory they would not use it.

Of the 364 replies, 214 favor sponsoring the news by commercial advertisers. So long as press associations give their stale reports to radio stations "as a public service," they will never permit the stations to secure commercial sponsors. This is another reason why many radio stations are so insistent for an associated radio news organization. They want news which can be sponsored.

I wrote also to the capitals of the leading foreign countries of the world to learn what they are doing in the way of news by radio. I have made a table of their replies. It reads as follows:

	News Source	*Govt. Control*	*Periods*	*Remarks*
France	Yes, press	Yes	2 15-min.	
Poland	Yes, press	Yes	3 5-min.	News 2 hrs. old
Denmark	Yes, press	Yes	4 10-25 min.	
Finland	Yes, press	Yes	5 10-15 min.	2 languages. 14% of all hrs. used for news
Italy	Yes, press	Yes	1 daily	4 languages. Govt. propaganda
Egypt	Yes, Reuters	Yes	1 daily	Only 1 station in Egypt
Canada	Yes, press	Yes	2 5-min.	
England	Yes, press	Yes	1 25-min. and 2 15-min.	
Switzerland	Yes, govt. agency	Yes	2 20-min.	
Norway	Yes, press	Yes	2 10-min. and 1 15-min.	
Germany	Yes, press	Yes	7 5-20 min.	Govt. propaganda
Sweden	Yes, press	Yes	2 7-min.	
China	Yes, govt. agency	Yes	irregular	
Ireland	Yes, press	Yes	2 15-min.	Mostly local news
Spain	Yes, radio reporters		1 hr. 8 a. m. 5 10-min.	Compete with newspapers
Japan	Yes, press and radio reporters		5 5-30 min.	Stations pay news agencies more than newspapers do
Cuba	Yes, newspapers acct. no regulations			Compete with papers. 1 station rents 8 hrs. for news
Mexico	Yes, press		4 15-min.	Do not compete—news sponsored by press.
Austria	Yes, press	Yes	5 5-10 min.	
Panama	No, stations			
Greece	No			
Russia	Yes, press	Yes	2 30-60 min.	
Belgium	Yes, press	Yes	3 15-min.	

I am not a member of this Association nor have I any personal interest in or connection with any broadcasting station or radio news organization whatsoever. My interest is in radio, its development, its enlarged use for communication purposes, and most of all, its service for increasing the happiness of the human race. Yet I dare to urge this convention to take some positive action to enlarge and improve news by radio for the American people.

You can either appoint a small committee of members of this Association with power to organize a non-profit, cooperative, station-owned news organization for such stations as desire to join, or empower your board of directors to take such action. If your board or such a committee will take charge of this work, you will find an amazing response by stations and radio listeners. The situation is ripe for action now.

There is one more consideration I desire to present in connection with such an organization. Those who hold radio licenses today are confronted with a serious and pressing demand that 25 per cent. of existing radio facilities be granted to educational and religious stations. You are about to participate in hearings on the subject before the Communications Commission. What new service of an educational nature can you offer?

An associated radio news organization is one answer. It could present up-to-the-minute news flashes and brief news reports that would be different from newspaper reports. It could originate a new method of presenting such news also, by adding to the news flash statements concise, historical, scientific and human interest data. It would require men and women of big ability who could collect and concentrate facts quickly in relation to the news event, but radio can and should hire such men and women to do that kind of a service. No one station can afford it, but an associated radio organization combining their finances can.

Marlin Pew once wrote that the ideal newspaper would be a newspaper, every line of which would be of interest to every possible reader. So, the ideal radio program would be a program, every part of which would be of interest to every possible listener. There is no program that will command so nearly 100 per cent. attention and interest of radio listeners as a program of up-to-the-minute news events combined with interesting data bearing upon the subject of the news.

For years I have worked and fought in Congress and out of Congress for a free radio service, an interesting and informative

radio service, and a service that would command advertising support because of its popularity.

I have helped to write and keep on the statute books a radio law that bases the grant and renewal of licenses upon public interest and public service. The Supreme Court has declared that law constitutional. It is the American plan of radio. It stands alone among the government-owned radio systems of the world. Its continuation depends on popular support.

News by radio will do more to maintain and strengthen that plan than any other feature broadcasters can use. I urge you: seize it, use it, glorify it!

(The convention arose and applauded.)

PRESIDENT McCOSKER: Senator Dill, if you were in doubt as to the popularity of your theme or its treatment before addressing this organization, I think you should feel gratified now to witness not the polite applause but the zealous, interested and thoroughgoing applause that followed your discussion. I think, personally, it was the best talk that I have ever heard on a timely subject from an informed viewpoint since I have been attending or presiding over these conventions of the NAB. If news by radio had nothing else to recommend it, your repeated statement that it is in the public interest should be sufficient to encourage this membership so to conduct itself as to make it a reality. (Prolonged applause.)

I am sure that is the reaction of these people. And, to use the vernacular, to show how well that speech was up my alley, since its inception, I have refused to sign the Press-Radio Agreement. (Applause.)

May I express the hope, Senator, that a way will be found to avail ourselves of your assistance in bringing this thing to a reality. (Applause.)

Now, ladies and gentlemen, the next item on this program brings before us Bill Hard. Will you come up, Bill? To be brief, because we all know Bill Hard and know his work, I am going to confine myself to saying (and in so doing it is high praise, in my opinion) that Bill Hard is an educated and human person, a distinguished author, radio commentator and journalist from Painted Post, New York. (Applause.)

RADIO AND HUMAN LIBERTY

Address by WILLIAM HARD

(Author and Radio Commentator)

Mr. Chairman and gentlemen, before I go over into my own observations, I would like to add a very small detail to what was told you by Senator Dill.

In the summer of 1931 I was in Berlin and went to examine the German national radio broadcasting organization. I found that they had a very considerable press news department. There I found some fifteen or twenty writers engaged in writing the news for publication over the air. I noticed on the wall certain orders to the persons working in that department. Two of them struck me very forcefully. One was that no item of news should go out over the German air as written in the press dispatches received in the German radio broadcasting organization. Every item of news was re-written from written language into spoken radio language, just exactly as the Senator has suggested. In the second place, an additional rule provided that nothing should go on the German air which had previously been printed in newspapers. Now, there is a pretty extraordinary mark to shoot at.

Coming to my own subject, I am unhappily conscious of having undertaken a vast subject. Radio itself is sufficiently vast. Human liberty is vaster still. My apology is that you want to consider radio and I doubt if it is possible to consider radio without at once also considering human liberty.

A radio broadcasting organization must, of course, begin with providing entertainment. Radio was not invented, apparently, to bore the human race. All over the world every truly professional broadcasting organization is primarily an entertainment enterprise. This is for an inescapable reason.

A radio signal goes out indiscriminately to every class of man. It, thereupon, transcends all classes. Its client is the mass-man. And, what is his desire?

His desire today is precisely what it was when the Greek poets sang of the benefit he then entreated from the Muses. It is "surcease from care." It is pardon from the jail of fact to the free land of fancy.

Every broadcasting station or system must, therefore, first amuse. It otherwise has no audience justifying its existence. When, though, that audience is secured, an extraordinary shift of scenic effect immediately follows.

The broadcasting organization which gained an audience through entertainment is now under a recognized public duty to summon it seriously to better citizenship. Again the reason is inescapable.

Broadcasting is done on public property. The true real estate upon which it operates is the ether. Bands of the ether are allocated to broadcasters everywhere by the public authorities. The broadcaster is a tenant of a public domain. He owes a social duty to his landlord. His landlord is human society organized through government into a civic social purpose.

Accordingly, the broadcaster who a moment ago was an entertainer is now a civic educator. He was the stage, and now he is a civic forum. He was vaudeville, and now he is statesmanship. No other business in the world can show in any comparable degree so great a contrast, so great a comprehensiveness, of obligations.

To put it in strictly American terms, radio is a union of the subject matter of Hollywood and of the subject matter of Washington for the evolution of a livelier and better and greater American social civic future.

Thus stated, and thus truly stated, it all seems very rosy. Radio is progress. So we assume. So we constantly assert.

But so we fall into illusion. We mistake mechanism for soul. We point out that radio shortens the time of communication between mind and mind. We point out that it shortens the time of communication between country and country. We imply that thereby all minds and all countries will be brought into closer appreciations and closer collaborations. We inscribe upon the portals of the British Broadcasting Corporation in London the confidently prophetic words: "Nation Shall Speak Peace Unto Nation."

But, let us test that optimism by a contemplation of Europe. Radio is prevalent in Europe. Transmitters often of excellent technique and often of stupendous power exist all over it. Mornings, afternoons and evenings, they send forth their messages in vast volume to the European populations. These messages are heard at millions upon millions of receiving sets.

Will anybody contend that the animosities which rend Europe have thereupon been settled? Will anybody contend that they thereupon have been even assuaged? Where are the Russian broadcasts inculcating love of non-Russian capitalistic foreigners? Where are the German broadcasts teaching admiration for non-Teutonic non-Nordic foreign peoples? Where are the Italian broadcasts expressing an identity of aspirations between Latin Italy and Latin France? On how many occasions anywhere in continental Europe is there a broadcast of international exchange of view and feelings?

The fact is that a broadcasting station in any great and powerful European continental country is an agency not at all for international understanding but wholly one-sidedly for the understanding and underwriting of any and every policy embraced and promoted by its foreign office. In former times in Europe, there was one great organ for the accentuation of nationalistic passion and ambition. That was diplomacy. Now there is also radio.

Radio has not blunted nationalism in Europe. It has sharpened it. The international state of Europe with radio is not better. It is worse. It is worse through a development to which a large contribution has been made by governmentally directed broadcasting systems.

Those systems can, and do, often operate in an air of culture. They can not and do not operate in an air of genuinely free discussion. No government anywhere can or will invoke on its own facilities a genuinely free and, therefore, a potentially successful criticism of its own policies. The public-affairs broadcasts of a governmentally directed broadcasting system are, therefore, either colored in favor of the government or—at the best—colorless. Never can they welcome that combat of all colors which alone ultimately produce the white light of truth.

But the severance between radio and liberty on most of the area of the continent of Europe does not stop even at this point. It proceeds farther. In countries controlled by dictatorships, the power of radio is a power which every day teaches great multitudes of listeners to disdain liberty and to prefer servitude. Free institutions are flouted. Worshipful obedience to secular authority is defended and demanded. The young are indoctrinated in the theory that it is their noblest duty to grow up into being the automata of an omnipotent mechanized state.

How foolish, then, for us to say that radio, in and of itself, means progress. It can equally mean retrogression. Radio is not a salvation. It is only an acceleration. It can hurry life faster toward the better. It can hurry life faster toward the worse. Its destination depends upon the soul that man puts into it. It can be the greatest organ ever invented for the opening of wider hori-

zons to the free development of mankind. It can equally be the cunningest engine ever devised for riveting the chains of mass-prejudice and mass-superstition and mass-slavery upon the mass-mind.

Do not imagine, therefore, that in your industry you are called to an easy task. You are the managers in the United States of an instrumentality which can ennoble or degrade, which can be a blessing to the earth of a curse, and which forever everywhere must make a choice between those two destinies in precise proportion as it makes a choice between being the servant of liberty or the servant of centralized monopolized arbitrary authority.

In this country today it has still an unbounded opportunity to be the servant of liberty. If it is ever to become the servant of liberty throughout the world, the inspiration toward that end must come from this republic. It must come from a successful display here of the economic possibility and of the social advantage of a radio system freely operated. You are the trustees accordingly not only of a certain heritage but also of the example which that heritage may offer to other countries and other continents.

I must then remind you of the extraordinary nature of the social arrangement which you illustrate. The basis of your efforts is an invisible but nevertheless governmentalized physical phenomenon called the radio spectrum. You toss upon it waves at stations assigned to you by governmental edict. You are lightships on the sea of the spectrum, anchored to spots which you hold only by revocable governmental permission and order.

Yet in the United States we have ordained that those lightships, since they light the storms and coasts of thought, shall be free. On a governmentalized physical medium we have established a free mental medium. It is an accomplishment substantially unique in the history of governmental political science. The microphone is an amazing physical invention. The arrangement which we have devised in this country for the custody and control, for the popularization and emancipation of the microphone, is a social invention equally amazing. We Americans, we Americans alone, have striven completely to combine a necessary regulatory coercive governmental physical background of radio with an adventurous private commercial competitive free promotion and development of it.

It is an arrangement—I ask you next to note—which is necessarily precarious. You hold your tenure of the air only provisionally. The proviso is that you shall serve "the public convenience, interest or necessity." Those are the words of the law under which you live.

At any time the government, without any change in the law, can say to you:

"You may be serving the public convenience but we do not think that you are serving the public interest and still less do we think that you are serving any public necessity. We, therefore, herewith terminate your licenses and transfer your wave lengths to the hands of others and particularly to the hands of governmental agencies much more qualified, in our opinion, than you are to represent the public necessity and to interpret it."

Such might be at any moment the attitude taken and the policy adopted by the government. Greater revolutions have repeatedly been achieved in human history with even less express warrant of law. Your existence as free broadcasters hangs always, therefore, by a thread near which repose, in a silken case but with ever ready keen blades, the shears of the public executioner.

Nor is there any way, nor should there be any way, of making this situation less perilous or less stimulating to you. You can never establish a right of indefeasible property in the air. You can establish only—at the most—a claim of uncontradictable service. And you will always be obliged to press that claim less in the court of the letter of the law than in the court of the spirit of the people who, in the end, make the letter of the law confirm to their will.

What then must we say in sum is the state of liberty in radio in the world? We must say that the extension of liberty in radio in the world is hinged upon the preservation of liberty in radio in the United States. We must say that the preservation of liberty in radio in the United States is hinged upon the daily continuous conduct of the personalities and organizations present or represented in this room. We must say, with no invocation of rhetoric but only in deference to reality, that no body of men in this whole world bears a greater responsibility for the perpetuation of free thought and of free speech and, therefore, of the essentials of all human liberty in the future of mankind than do the broadcasters of the United States.

The practical question then occurs: How can the broadcasters of the United States successfully meet that responsibility? There are two reasons why they must endeavor to meet it.

One is a reason of necessity. They must meet it or else cease to possess their special social reason for economic existence.

The other reason—and I prefer to dwell upon it—is a reason of honor. When men are called, whether by an act of will or by a chance of circumstance, to a post of high and crucial combative opportunity, it is within their nature to come forward to it and to hold it and to advance it with a courage and persistence to which the only alternative is a sense of shame.

You are at such a post. How can you both fortify it and expand it?

Only, surely, by spectacularly illustrating the one thing that constitutes your basic and abiding singularity among the broadcasting systems of the world. That one thing is liberty—and nothing else.

It is true that the entertainment which you provide is undoubtedly the world's most spacious and sumptuous. Yet consider what governments might do in that field if they so desired.

Governments have the power of taxation. There is no limit except utter human exhaustion to the exercise of that power. Do you spend a hundred million dollars a year on entertainment? Will you spend two hundred? A government could spend three hundred, five hundred.

A government which decided to attract the masses to its political standard not only by unlimited relief but also by unlimited entertainment, a government which decided to emulate the generosity of the Roman emperors not only in the matter of bread but also in the matter of the circus, could out-spend you without the slightest difficulty. You hire many of the best entertainers in the country. A government could hire them all. You transmit occasional music from the Orient trans-oceanically. A government could import whole troups of Oriental musicians to bring Thibet and Kashmir to the microphones of Boston and Dallas. You spend large sums of money reporting yacht races. A government could at any time provide the races themselves as well as the reports. In a word, you entertain lavishly but a government could entertain more lavishly still.

Not long ago a European broadcasting system turned deliberately from an emphasis upon its scholastic educational features to an emphasis upon its features of entertainment. Modern governments are learning ancient lessons. They are learning them as they incline more and more toward becoming dictatorships. The wise dictator, ancient or modern, keeps his people subjected—and amused.

In any country, accordingly, and at any moment, a population seeking amusement might derive it more copiously from the governmental treasury than from private enterprise. And what can private enterprise say to its listeners in bidding against that bribe? It can only say:

I offer you the one thing that no government ever did or can give. I offer all reputable and responsible elements among you, proletarian or capitalistic, agricultural or urban, reactionary or conservative or liberal or progressive or radical, governmental or oppositional, contented or discontented, popular or unpopular, full access to expression. I offer you the freedom of your mind. I offer you the retention of your soul.

It is at those heights that you must walk if you would out-bid government for the occupancy of the ether. You walk there already to a degree which is notable but which, unfortunately, is neither sufficiently proclaimed by yourselves nor thereupon sufficiently realized by the country.

You are constantly assailed for an alleged censorship of the broadcasts issuing from your stations. Multitudes of your fellow countrymen believe that you control and color your broadcasting to favor your own monetary interests or the interests of other supposed so-called "malefactors of great wealth" or the interests of whatever administration may be current in Washington.

In practice, as an industry, you provide a very considerable answer to that charge. At my own receiving set, I have recently heard both sides of the contemporary cotton textile strike expounded without fear of capital, without fear of labor and without fear of the NRA or of any division of the government.

I have had a similar experience in marking the development of the career of the current administration on the air of the country which it rules. The current administration had a honeymoon. Every administration has a honeymoon. Every honeymoon, public or private, is traditionally greeted by a serenade to the lovers. The serenade gradually yields to dissensions about the cooking. From the very moment when those dissensions arose regarding the national meal as served by the current administration, I have heard talkers on our American air denounce the New Deal for inflating our money and credit too much and denounce it for inflating our

money and credit too little, call it an importation of Bolshevism and call it a surrender to the Steel Trust, attack it for governmentalizing our banks and attack it for not governmentalizing our banks, charge it—in the manner of the Crusaders—with plunging us headlong into the unknown, and charge it—in the manner of the League for Industrial Democracy—with standing on the brink of experiment torpidly and timidly.

It is true that the spokesmen of the administration have addressed us voluminously via the ether; but it is also true that in no other country in the world in the last twelve months has the ether carried so large a number or so large a variety of spokesmen of the opposition.

Yet you can not be satisfied in this matter to rest upon your present performance.

In the first place, you do not competently convince the public of the present extent of your impartiality and comprehensiveness. Millions of listeners still suspect the existence of some vague covert sinister control of radio programs. You do not effectively correct that impression by any persuasive narrative and exposition of your record as made.

In the second place, the record still has gaps. Important social elements, important educational elements, important economic elements, sometimes individually small but collectively very large, still feel themselves inadequately admitted to the air. Broadcasters sometimes tend to defer their hospitality to such elements till newspaper publicity has given them prominence and power. I venture to suggest a hospitality more positive, an energy more foresighted.

American radio should not be the mere mirror of notorietists already achieved. It should not be a mere amplification of thoughts and issues already familiar. It should itself be the discoverer and first publisher of the novelties which knock at the door at the moment and which so often build the house of the future. It can and should excel all other agencies in contributions to the architecture of that house. It can do so because of its universality of appeal. It can do so only—only—by a corresponding universality of welcome to all the ideas, all, that struggle together to make the character of the ages that shall come after us.

The broadcasting industry of the United States will be invulnerably immune to political attack precisely on the day when our citizens overwhelmingly, and without any mental reservations whatever, shall say to themselves: "Do we want to know what is coming? Do we want to know it first? Do we want to know every side of it? Do we want to know all of it? We will listen to our publicly uncensored and privately uncensored adventurous exploratory American air."

This they will say in those circumstances if the spirit and the material makings of liberty still subsist among them. We must always, however, be asking: What, after all, is liberty?

We fall into great confusion about it because there are indeed three liberties. There is the liberty from foreign rule; and we can distinguish it under the name of independence. There is the liberty from autocratic rule; and we can distinguish it under the name of democracy. But then, there is the liberty, at certain points, of the individual even from the rule of his fellow citizens, even from the rule of democracy, and we have put it, in our constitution, into the bill of rights, and we call it personal liberty, but we often seem to regard it as the mere outcome of independence and of democracy and, therefore, subordinate.

The fact is that it is primary. When its sentiments expire in the breasts of men, the other two liberties can readily expire also. National liberty and political liberty are outward forms of governmental action. Personal liberty is an inward form of spiritual possession. It originates every other free aspiration, while it itself is originated only from within.

Its source is solely the interior light which is said to light every man that comes into the world. It was with reason that the most reasoning man of all times, Socrates of Athens, said to the judges who denied him his freedom of speech and who were about to condemn him to death: "Men of Athens, I honor and love you. But, I shall obey God rather than you. And, while I have life and strength, I shall never cease from the practice and teaching of the search for truth."

But, we then and there encounter the greatest of all paradoxes. This duty and right of free speech, so spiritual, is welded to a body physical and also economic. It can not be free unless that body in a high degree is free also. A certain very considerable liberty of property becomes thus eternally essential to liberty of thought and of expression.

I hasten to assure you that in speaking of free property, I am not among those who see an unwarranted invasion of it whenever a government undertakes any new exertion of its immemorial duty to prevent fraud and coercion in its country's economic life. I want freedom from unethical economic slaughter by my fellow citizens in private life just as much as I want freedom from arbitrary economic slaughter by my fellow citizens turned bureaucrats. I contend only that governmental regulation can not safely be permitted to pass over into governmental domination; and I can give you a very concrete and compact illustration of my meaning.

The power of advertisers in this country is today limited by the fact that they are so enormous in number and so disassociated in interest. They do not and can not act as one. Let now the government, however, extend its domination of all business to the point of controlling all advertising through one agency in Washington and there will not be left one free newspaper or one free radio station in the United States.

Government does not need to throttle free speech by imprisoning the practitioners or agents of it. It can throttle it by controlling —and by granting or withholding—their incomes. A country that deeds its government its stomach deeds it also its tongue.

Private radio, therefore, if it wishes to retain the individual personal liberty of free speech, must join in the general battle for retaining in the necessary degree the individual personal liberty of free property. Private radio, in whatever test tube it may be analyzed, whether of idealism or of commerce, emerges a necessary champion of liberty in total.

You will here discuss many problems that you will call practical. I dare to say that the most practical problem to which you can here and now address yourselves is this: "How can we find the resources and times and how can we devise the broadcasts that will dramatically and convincingly (A) illustrate liberty and (B) teach liberty? How can we sufficiently clearly and powerfully both make our listeners know that we are free and make them themselves desire all freedom?"

Unless they desire it in all its aspects for themselves, they will not appreciate it or desire it in you. Your special liberty rests upon the vitality of liberty in general.

That vitality can ebb. We see it ebbing all over the world today. Yet, by faith and act, it can be turned from ebb to flow. It has never retreated so far that it has not again advanced. In the history of continental Europe, it has produced Caesars only in the fullness of time to produce Garibaldis. In the history of our own development, it permitted Anglo-Saxon liberty to give way to Norman and Plantagenet feudalism and to Tudor and Stuart absolutism; but it caused that absolutism presently itself to give way to a newer and a greater liberty in Chatham, Burke, Jefferson, Hamilton, Washington.

It will be so again. It will be so again through a process in which you are cast for a leading part. You are the guardians of a medium which has the broadest existing—or conceivable—approach to the mass-man. You are the guardian of a medium which in this country reaches its highest actuality as a possessor of freedom and its highest potentiality as a teacher and extender of it. I know that you will not be able—and I am sure that you would not wish to be able—to escape from the enlistment to which you are thus summoned in the inevitable battle which some day will indisputably disclose the fallacies and failures of contemporary dictatorships and once again triumphantly restore free institutions to the earth. (Applause.)

PRESIDENT McCOSKER: Mr. Hard, I want to say, on the part of the members of the National Association of Broadcasters and on my own behalf, a word of thanks for the learned analysis which has been given the radio business and the prognosis of what should be our activity for the future. I am sure it was very greatly enjoyed and represents a tremendous amount of work.

Now, ladies and gentlemen, I have the deferred honor and privilege of presenting to you at this time the Hon. Russell E. Wilson, Mayor of Cincinnati, the Queen City, who is serving his third term as mayor of the city.

I have a very slight acquaintance with the gentleman but he has communicated to us the fact that he is a former newspaper man. His first trend toward reformation was to become the mayor of Cincinnati and now to make it complete, he is right here in the bosom of the broadcasters, the Hon. Russell E. Wilson.

(The convention arose and applauded.)

ADDRESS OF WELCOME

HON. RUSSELL WILSON

(Mayor of Cincinnati)

Mr. President and very distinguished guests of Cincinnati: I don't want to be critical but the enunciation was not quite correct.

There is no "E" in my name. There was a "D" but as it stood for a good many things, I took it out.

Now, I am very proud to greet you and I am also very proud to follow on the program William Hard. I was a newspaper man for many years and learned in those years more and more to admire Mr. Hard. His brilliant pen—or shall I say, his facile typewriter —gave added significance to the term "fourth estate."

Then, I am also very proud to appear on the same platform with Senator Dill who may have been elected with the approbation of the people of his state; when he passes from the national scene, with the regret of the entire nation. (Applause.)

And, I must, as a duty and certainly as a pleasure, speak of Ohio's contribution to the Radio Commission of the government, the Hon. Thad. H. Brown. (Applause.)

But, for any Cincinnatian to speak of radio is to speak of Powell Crosley who is the real radio mayor of the city of Cincinnati. (Applause.)

You are more cognizant than I with the wonders of WLW, and so good a citizen is Mr. Crosley of Cincinnati, having taken part in the good government of which I am an inadequate fruit, that Mr. Crosley bought a baseball team. (Laughter.) Now, we are all going to pull with him and the day is going to come not so many seasons hence when the National League standing will be in inverted order. (Laughter.)

It is very impressive to me to meet you face to face. I do not wish to give you the attributes of divinity but so far as this nation is concerned, you are the great unseen presence and your power is to me overwhelming as I contemplate it because you have a speaking acquaintance with over a hundred million people —a speaking acquaintance with those who can not talk back. (Laughter.)

Now, one of my favorite plays is Shakespeare's "Tempest" and to me that play has assumed a prophetic significance. All that Ariel accomplished at the instance of Prospero has now been accomplished by science. You are the Prosperos and as Mr. Hard may have indicated, you may have some Calibans.

Now, I am going to give the city over to you so that you may be seen by us as well as heard. I want you to do with the city as you will and when you are through with it, give back to me what is left of it so I may prepare it for your next coming. (Laughter and applause.)

PRESIDENT McCOSKER: I think we all agree nothing could be fairer than that.

We would like to have you remain just a few moments for some announcements. To begin with, I would like to ask Powell Crosley to step forward, if he will. He wants to make an announcement, I understand. (Applause.)

POWELL CROSLEY (WLW, Cincinnati): It gives me a great deal of pleasure to be here with you today. I am afraid I have been neglecting my association with this organization. I was one of the founders of it. Perhaps there are some of you here today who remember our meeting in the Drake Hotel to form this organization years ago when the question of copyright first came up.

However, I am not here to make a speech but to say to you that I am glad that you are here in Cincinnati. I want to invite you all to visit the outfit we have out in Mason, which they say makes a lot of noise, known as WLW, and arrangements have been made so that you can go out there. Our Joe Chambers can give you further details and make the necessary individual arrangements for you.

The announcement that I was asked to make was that the Cincinnati member stations are giving a smoker this evening at the Elks Club at 7:30 o'clock. You are all invited to be there and I hope you can attend.

Thank you. (Applause.)

PRESIDENT McCOSKER: Thank you very much for the hospitality. And, as one who has enjoyed it on previous occasions, personally, I recommend that you avail yourselves of it.

Announcements

PRESIDENT McCOSKER: I would like to announce the committees that have been formed. In each instance, the first name called is that of the appointed chairman.

RESOLUTIONS COMMITTEE

HENRY A. BELLOWS, *Chairman*

Don Davis — W. P. Williamson, Jr.

And also, in each instance, the chairman is asked to make the arrangements for the meetings of his committee.

NOMINATING COMMITTEE

H. J. BRENNAN, *Chairman*

Charles Burke — Leon Levy — Harold Quilliam
L. A. Benson — H. W. Slavick — Glenn Snyder

CREDENTIALS COMMITTEE

IKE R. LOUNSBERRY, *Chairman*

Hugh A. L. Halff — John E. Fetzer

ELECTIONS COMMITTEE

WILLIAM WEST, *Chairman*

Rev. James A. Wagner — P. J. Meyer

Mr. Loucks has an announcement he wishes to make.

PHILIP G. LOUCKS (Managing Director, NAB; Washington, D. C.): This announcement relates to voting by delegates and alternates.

The Board of Directors, at a meeting held last night, passed the following resolution:

"Resolved: That it is the sense of the Board of Directors and it so directs the Committee on Credentials that delegates and/or alternates shall be full-time employees of member stations or companies owning and/or operating such member stations or shall have a provable capital interest in the member station of not less than one per cent. of the capital stock of the owning corporation or a proportionate partnership holding in such member station; provided, however, that other persons duly named as delegates or alternates shall be admitted to all sessions of the convention but shall not be given the privilege of voting."

PRESIDENT McCOSKER: Now, gentlemen, I declare the meeting closed until 2:00 p.m. and I do ask and urge you to be prompt in returning at 2:00 o'clock to this room.

(The meeting adjourned at 12:30 o'clock).

SEPTEMBER 17, 1934

Monday Afternoon

The meeting convened at 2:00 o'clock, President McCosker presiding.

PRESIDENT McCOSKER: Ladies and gentlemen, the second session of the twelfth annual convention will come to order.

At this time I am going to present John Shepard, Chairman of the Code Authority, who tells me that the listing of his remarks is incorrect in that it refers to "A Resume of Code Administration"; Mr. Shepard at this time is not going to give a resume of code administration but will say a few words about the code meeting that will follow the regular convention.

John Shepard, III

JOHN SHEPARD, III (Chairman, Code Authority for the Radio Broadcasting Industry; WNAC, Boston): Because the NAB program was so full, it doesn't provide for any discussion of the broadcasters code. This subject was omitted intentionally because there is an open meeting scheduled for 10:00 o'clock Thursday morning for full discussion of the code. Formal notice of this code meeting was mailed to all members of the industry under date of July 26.

Many of you are well acquainted with the kind of problems presented to the Code Authority during the last ten months. These problems have produced many valuable suggestions for code administration. It is my hope, therefore, that every member qualified to participate in the code meeting will be present at 10:00 o'clock on Thursday morning. The Deputy Administrator of the N.R.A. in charge of the Radio Code, Bill Farnsworth, is making a special trip from Washington to be present at that meeting. We hope at that time to have a free discussion from the floor of the various problems and various questions under the code.

That is all, Mr. McCosker.

PRESIDENT McCOSKER: The next item on the program is the report of the Managing Director, Mr. Loucks, and it is his report, in a measure, that will cover, in a general way, outside of the specific reports of committees, the activities of the organization the past year. (Applause.)

REPORT OF MANAGING DIRECTOR

PHILIP G. LOUCKS

Nineteen thirty-four has been an eventful year. It has been the busiest in the history of your Association. The year will always

stand as a milestone on the road of broadcasting's steady march toward economic stability. During the year licensing was transferred from the Federal Radio Commission to the Federal Communications Commission; advertising copy was subjected to review of the Federal Trade Commission; commercial practices were standardized under the Code of Fair Competition. But, equally important, definite progress was made during the year toward solving our perplexing copyright problem.

In this, my fourth annual report to you, I shall touch briefly on some of the accomplishments of your Association during the year, leaving more detailed discussion of such activities to reports which will follow.

The membership of your Association today stands at 370. This is an increase of 100 members over 1933, an increase of 175 over 1932, an increase of 235 over 1931 and an increase of 318 over 1930, the year of my appointment.

Despite the increase in membership, income from dues failed to meet operating expenses during the first nine months of this year. As of September 1, the total income derived from dues amounted to $35,139.81 or an average of $3,904.43 per month; operating expenses totaled $39,598.13 or an average of $4,399.79 per month. Operating expenses, therefore, exceeded income from dues during this period by $4,458.32. The difference was made up from the reserve funds of the Association. On September 1, the Association's bank balance amounted to $4,070.50.

It should be pointed out that these figures relate only to the general funds and do not include receipts or expenditures in connection with the special copyright fund. This latter fund is in direct charge of a treasurer.

When the system of paying dues on a percentage basis became effective last January, I expressed to the Board the opinion that this method of paying dues would not work satisfactorily in practice. The board thereupon directed me to make a study of the whole question and subsequently authorized me to submit to the convention an amendment to the by-laws which would place payment of dues on a workable basis. This proposed amendment, copies of which were sent to all members, would, if adopted, base dues payments upon published card rates. I believe that this is a sound basis and I recommend its adoption in its proposed or slightly modified form. In the form in which it is proposed, this system would produce an income of approximately $60,000 annually, sufficient to maintain the activities of the Association and make special contributions when necessary.

Routine work of the Association has grown in proportion to the growth in membership. Since January 1, letter mail has averaged 250 pieces a day, outside telephone calls have averaged 32 a day. An average of five persons visited headquarters each day since the first of the year.

The number of conferences with government departments and representatives of other organizations having business with the Association has increased materially during the year. Close cooperation and a fine spirit of loyalty to the Association enabled the headquarters staff to meet these greatly increased demands upon its services.

The headquarters staff, as was the case a year ago, consists of the Managing Director, a Technical Director, two secretary-stenographers and two part-time employees. Under the arrangement existing between the Code Authority and the Association, the Association is entitled to have a part of the services of Mr. Baldwin, but code work has demanded virtually all of his time during the past year. Mr. Schuette has been retained as copyright adviser and his fees have been paid from contributions to the copyright fund. The copyright fund also must bear the fee for Baker, Hostetler, Sidlo and Patterson, who have been retained to represent the Association in copyright matters.

Recently Mr. Bellows volunteered his services in connection with the October 1 hearing before the Federal Communications Commission, and office space and stenographic help have been provided for him in this work.

The Board of Directors held four meetings during the year. The first meeting was held at White Sulphur Springs, October 11; the second meeting at Washington, D. C., November 9; the third meeting at Washington, D. C., May 14, and the fourth meeting at Cincinnati on September 16. Reports of these meetings were published in summary form and made available to all NAB members in our weekly reports.

The Engineering Section held its third annual meeting in Philadelphia on May 28 and the Commercial Section held its third annual meeting in Philadelphia on May 28 and the Commercial Section held its third annual meeting in New York June 19 and 20. In addition to these more general meetings, there have been various meetings of committees of the Association during the year.

The second state NAB committee was organized in Alabama several weeks ago. The Alabama committee is modeled after the New York state committee, which has been functioning efficiently for nearly two years. It is my hope that before this convention adjourns, preliminary plans for organizing such committees in every state in the union will be made and that their actual organization will go forward with all possible speed. These committees are a part of the Association and amenable to the rules and regulations of the central body in national matters although they are given fairly broad authority in matters of a strictly local nature.

After these committees are formed, they should be contacted regularly by your Managing Director in order that the activities of the national body will at all times be expressive of the will of the membership as a whole. I consider it to be of the highest importance that there be built a closer contact between the office of the Managing Director and the members.

The privilege of private use of radio facilities in the broadcast band of frequencies in the United States is granted pursuant to existing United States law and to international treaties to which the United States is signatory. Prior to last year, the Washington Convention of 1927 governed international radio matters and now we operate under the terms of the Madrid Convention of 1932. International administrative conventions are held every five years. The next convention will be held in Cairo, Egypt, in 1937.

International radio problems are usually solved by recourse to technical expedients and under the Madrid treaty the International Consulting Committee on Radio Communication, known as the CCIR, is given a recognized standing. The CCIR is a conference of technical experts and at its meeting, which opens in Lisbon, Portugal, this week, the groundwork will be laid for the 1937 Cairo conference. Mr. McNary, Technical Director of the Association, is in Lisbon and will attend the conference as representative of your Association. He will attend as the only representative of the United States broadcasting industry. I should point out also that Mr. McNary has taken active part in the preparatory work for this conference which began early last spring.

President Roosevelt signed the Code of Fair Competition for the Radio Broadcasting Industry on November 27, 1933 and the Code Authority was organized and embarked upon its official duties on December 11. The code has been in operation nine months. One of its first tasks was to undertake a study of the hours, wages and working conditions for broadcast technicians. This survey was concluded and report was made to the N.R.A. March 11. Based upon this report, a hearing was held before the N.R.A. on June 20 and 21 in Washington, which I attended as your representative and supported the recommendations made by the Code Authority urging retention of a forty-eight hour week for operators. No decision has as yet been reached and you will undoubtedly hear a great deal more about this at the code meeting on Thursday. I will not take time to speak further about the code except to commend Mr. Baldwin, Executive Officer of the Code Authority, for the manner in which he has handled his difficulties.

The decision of the Nebraska Supreme Court in the KFAB case, holding that a broadcasting station was jointly liable with a speaker for defamatory remarks uttered over the station, was carried to the Supreme Court of the United States by your Association. Petition for a writ of certiorari was filed on November 4 and was subsequently denied.

During the year there were several meetings of your Tax Committee for the purpose of considering numerous questions relating to depreciation rates for broadcasting station equipment submitted by the Bureau of Internal Revenue. Following these meetings, Mr. Elkin, Chairman of the Tax Committee, and your Managing Director, held a number of conferences with Bureau officials. Subsequently, the Bureau reached the conclusion that it was not practicable to promulgate an official bulletin on depreciation rates for our industry since there were so many different elements affecting different concerns engaged in the business. The Bureau considered that each case should be decided on its individual merits and that a six year life should be used as a starting point for all cases, and that if the facts in individual cases justified lower rates of depreciation, lower rates would be allowed on the basis of such facts.

The national high school debate question last year was: *"Resolved*, That the United States adopt the essential features of the British system of radio operation and control." Following the announcement of the debate question, requests for material on the negative side began pouring in to your headquarters office. To meet these requests, it became necessary to collect all available material which was afterward published in the form of a manual

entitled, "Broadcasting in the United States." Nearly 9,000 copies of this book were supplied to debaters and debate coaches. The books were supplied only upon written requests sent to the Association.

Last winter conferences were held between heads of the three large press associations and the two national networks for the purpose of considering some form of working arrangement between broadcasting stations and newspapers governing news broadcasts. President McCosker, Vice President Shepard and your Managing Director attended three of these meetings as observers. It was made clear that your Association could not participate in the program being developed since its representatives were not empowered to bind the membership to the proposal. As a courtesy to the Association, a place on the administrative committee of the Press Radio Bureau was offered but your Board was of the opinion that for the present the Association should not accept the tendered appointment. It was decided instead that a committee should be appointed to study the whole question of relationship between radio and the press.

Acting upon authority from the Board of Directors, your Managing Director filed with the N.R.A. a protest against certain proposed amendments to the telegraph code, which, if adopted, would have had the effect of increasing telegraph charges to users of telegraphic services.

Your Commercial Committee has given careful study to many of your commercial problems. The two main problems which should be considered by the Association at this time are agency recognition and the creation of a cooperative bureau for coordinating station surveys and listener data. In my opinion, the question of agency recognition should be given further study. The second problem is more important. Stations are spending thousands of dollars annually for the purpose of supplying advertising agencies and advertisers with station surveys, market data and listener habit analyses. In my opinion, representatives of your Association should be authorized to confer with proper officials of the American Association of Advertising Agencies and the Association of National Advertisers with a view to developing a cooperative plan under which standard methods for developing and presenting station and listener data can be developed. The Commercial Committee has given much study to this phase of our commercial activities and undoubtedly will report more specific recommendations to you during tomorrow's sessions.

The committee also has studied such questions as merchandising, standardization of business forms, relationships between networks and affiliate stations, and at the same time will report to you the results of their work on these topics.

Mr. Bellows, Chairman of your Legislative Committee, will follow me with a complete report on the Association's legislative activities. So, in discussing this subject, I shall try not to trespass upon his report. But, I must remind you that Congress was constantly in session from January 3 until June 18, or nearly six of the eleven months which have transpired since our last convention.

The most important legislation passed by the Congress was the law creating a Federal Communications Commission for the purpose of coordinating and regulating all forms of inter-state wire and radio communications. Mr. Bellows will tell you of the numerous occasions the Association was called upon to appear at Congressional hearings, and will give you an idea of the vast amount of time and effort devoted to this phase of your Association's activities.

It was during the consideration of the Communications Bill that the fight for allocation of channels to particular groups was reopened with new vigor. After the proposal had been rejected by both the Senate and House Committees handling radio legislation, Senators Wagner of New York, and Hatfield of West Virginia, introduced an amendment to the Dill Bill in the Senate under which all licenses would be canceled within ninety days from the passage of the law, making a reallocation of channels mandatory and granting 25 per cent. of the reallocated channels to religious, educational and other so-called non-profit organizations. All of these non-profit organizations, however, were to be permitted to sell time. Senator Dill, Chairman of the Senate Interstate Commerce Committee, led the fight against adoption of the Wagner-Hatfield Bill in the Senate. It was through his able leadership that the Senate rejected the amendment by a two-to-one vote.

All of you were asked to inform your Senators of your opposition to the measure and never before in the history of the Association was greater cooperation displayed.

The specific proposal having been decisively defeated in the Senate, the question of allocating facilities to special groups is just as alive as ever. The new law requires the Commission to make a study of this issue and to report its findings and recommendations to Congress on or before February 1. The Commission has begun its consideration of the issue and will commence open hearings on October 1. Your Association has assumed the responsibility of representing the industry at these hearings and we are now in the midst of extensive preparations. We have asked you for help. I plead with you for your best cooperation. The limited time remaining to prepare for this important hearing makes your best cooperation imperative. The Association will do its part but the result will depend upon how well each of you does his part.

Hearings were held on the Tugwell Bill, the McFadden Bill and several other measures of minor importance. In each instance, as Mr. Bellows will explain, the Association stepped to the front and represented, as best it could, the interests of all broadcasting stations.

Before I leave the subject of legislation, I want to express my grateful thanks to Mr. Bellows for the able and intelligent manner in which he has represented the Association in all legislative matters since I became your Managing Director. I want to express my thanks, too, for the assistance which Mr. Frank M. Russell, a member of the Legislative Committee, has given the Association in all of its legislative controversies.

On May 17 last the Federal Trade Commission announced that radio advertising would be subjected to its scrutiny under authority conferred upon the Commission by Section 5 of the Federal Trade Commission Act. The Commission announced at that time that beginning July 1 all networks, broadcasting stations and transcription companies would be requested to file copies of their advertising programs with the Commission. I called at the Commission and pledged the cooperation of your Association in this undertaking. That cooperation was forthcoming is indicated by the fact that out of 598 stations, only five failed to file copies of their programs with the Commission. Of the thousands of continuities submitted, the Commission has examined 117,357 and has on hand more than 50,000 which are now under examination. From the survey as far as it has been completed, it appears that it will be necessary to issue very few complaints either against radio advertisers or broadcasting stations.

The Committee on Uniform Cost Accounting has completed its survey of accounting practices in the industry and will be prepared to offer a completed system for your adoption on or before November 1.

We are devoting almost an entire session of this convention to the subject of music copyright and I will leave that subject for discussion at that time. But, I want to tell you now that it is highly important that you attend that session and hear of developments in the copyright situation which have taken place since our last meeting. There will be a meeting of the Copyright Committee on Tuesday afternoon and the observations I have on the subject can wait until after that meeting.

Two years ago I suggested that the NAB adopt the policy of holding its annual membership meetings alternately in the West, Middle West and the East, and that the time of the meetings be changed from the fall, when we are in our busiest season, to the summer months. I want to renew that suggestion at this convention.

Now, this report brings to a close my fourth term as your Managing Director. Before concluding, I want to express my sincere thanks for the splendid cooperation and support I have received from President McCosker during the last two years of my service. The membership owes a debt of gratitude to the officers and directors of the Association who have given much of their time and effort in the interest of your affairs. I want to thank the members of my staff in Washington who have worked loyally and in close association with me at all times. But, principally, I want to thank each of you individually for your cooperation in the many activities of the Association during the year and your patience with my administration of your affairs. I have done my best. It has been a genuine pleasure to serve you. (Prolonged applause.)

PRESIDENT McCOSKER: Ladies and gentlemen, you have just heard the report given by Mr. Loucks on the activities of the past year. It has been an expanding, it has been—I was going to say—an extensive operation managing the affairs of this organization and a constantly expanding one. The amazing thing about it is the brief time in which the recital of this work is encompassed. Having observed it at close range, having participated in it, there seems to be an incongruity existent between the numerous time-consuming and perplexing considerations and problems, and the brief time it takes to tell about them. However, the old bromide is that actions speak louder than words. And, I would be less than grateful, less than appreciative if I didn't take just a moment to express my personal thanks to Mr. Loucks, to Mr. Baldwin, to Mr. McNary, to John Shepard for his code work, and the other members of the staff at your national headquarters, with whose

names I am not familiar. Mr. Bellows has done yeoman service. It seems just a handful carry tbe burden.

And, I want to echo tbe plea that Mr. Loucks has pronounced tbat you cooperate witb him and with tbe organization in supplying information and data when you get tbe call from the Wasbington office. Tbe information is so scattered throughout the country, so diversified and so changing from month to montb tbat it is impossible for us to make the kind of presentation usually of an emergency nature unless we bave the spontaneous cooperation of tbe men.

And so, I thank tbese gentlemen wbo have facilitated my administration.

The next item on tbe afternoon program is tbe report of tbe Legislative Committee by Mr. Henry Bellows, the Chairman. (Applause.)

Vice President Jobn Shepard, III, took the chair.

REPORT OF LEGISLATIVE COMMITTEE

Henry A. Bellows, Chairman

Mr. Cbairman and gentlemen, I was looking over the records and I find tbis is the seventh consecutive year I have reported for the Legislative Committee, wbich I think is an all-time endurance record. The endurance is for you and the record is for me. (Laughter.)

I missed one in tbose seven years because of illness in my family. For six years I have presented tbe report. I bave looked over eacb one and find tbey are a good deal alike. There are a lot of things that repeat year after year, and each year I find myself saying that next year is going to be tbe Waterloo. In order to be true to form, I am going to say tbe same thing now, only this time I am going to mean it.

The past year has been tbe most dramatic in the entire history of legislation affecting radio broadcasting. That federal legislation during tbe last session of Congress has been so wise and reasonable in so far as it affects our industry has been chiefly due to the genuine statesmansbip of the chairmen of the tbree Congressional committees with wbom we have come most actively in contact. I want to speak of these tbree men especially because the industry owes a tremendous debt of gratitude to tbeir patience, integrity and sound judgment. These three men are Senator Clarence C. Dill of Washington, Chairman of tbe Senate Committee on Interstate Commerce; Congressman Sam Rayburn of Texas, Cbairman of the House Committee on Interstate and Foreign Commerce; and Congressman Scbuyler Otis Bland of Virginia, Chairman of the House Committee on Merchant Marine, Radio and Fisheries.

In giving the principal credit to these three men, I do not want to overlook tbe fine cooperation we have received from other members of tbeir committees, and from Senators and Congressmen who, though not assigned to the committees having radio legislation in their charge, nevertheless took a keen and intelligent interest in our problems. I bave been actively connected with radio legislation for eigbt years, and I want to say tbat never in my experience bas any session of Congress been so eager to do the right thing, so receptive of information, and so ready to meet tbe broadcasters more than balf way, as the session just ended.

I do not mean to imply by all tbis that the task of your Legislative Committee was an easy one. As a matter of fact, we have never worked so bard on legislative problems since broadcasting began. The issues wbicb confronted us were so big and, in many cases, a wrong solution of tbem would have been so completely disastrous to tbe industry, that the six months from January through June formed a period of practically continuous work, often seven days a week and running far into the night as well as all day.

In this connection, I want to pay a special tribute to two men, without wbose constant and fine cooperation the work of the Legislative Committee could not possibly have succeeded. These two are Frank Russell, Washington Vice President of the National Broadcasting Company, and your own Managing Director, Phil Loucks. Russell, Loucks and I met almost daily and often several times a day tbroughout the session of Congress, and I want to say that the three of us worked togetber as just about the most harmonious team I bave even seen.

Of course, the major legislative event of the year was the passage of the Communications Act of 1934. While tbere were early intimations that sucb a bill might be brougbt forward, there was a good deal of doubt about it until several weeks after the session started. On February 26, President Roosevelt sent to Congress a special message asking for the passage of a Federal Communications Bill during the current session. Tbis message was of enormous value to the broadcasters because it made clear tbat the President was opposed to any extensive new legislation at that time. He urged tbe enactment of a simple bill transferring to the new Commission all tbe powers over radio, telegrapb and telepbone previously vested in various government agencies, and expressly urged that additional legislation should come at tbe next session of Congress, following study and investigation by tbe new Commission.

I want to call your attention to this point because the message means exactly what it says. The President bas advised, and beyond question the Communications Commission and Congress will beed bis advice, that there is to be further legislation, prepared on the advice of the Commission, enacted by tbe session of Congress whicb begins next January. This means that many of the problems which came up last spring, and probably a number of new ones as well, will have to be faced squarely next winter, and whereas the President specifically advised Congress to avoid these problems for the time being, he has just as specifically directed the Commission and Congress to solve them during the next session.

Immediately following the President's message, bills were introduced in the Senate by Senator Dill and in the House by Congressman Rayburn. These bills were largely identical but they differed radically in one respect. The Rayburn bill had notbing specific in it about radio, merely abolishing the Federal Radio Commission and transferring all its powers and duties to the new Communications Commission. It did not repeal or modify in any substantial way the Radio Act of 1927. The Dill bill, on the other hand, repealed the Radio Act of 1927 and wrote it into the new measure, with a great many cbanges, some of them far-reacbing in character.

Hearings on the Dill bill began on March 9. We appeared on that day before the Senate Committee on Interstate Commerce and presented a detailed analysis of tbe Dill bill as it affected radio broadcasters. Necessarily, the greater part of our statement was devoted to attacking provisions of the bill which, as we felt, would bave bad a disastrous effect on our industry. We received the utmost courtesy and consideration from Senator Dill and the entire committee, and it was apparent from tbe outset that the commitee was genuinely seeking for every possible bit of information whicb would help in making the bill a good one. Although Senator Dill was himself the author of several of tbe changes most vigorously attacked by us, his friendly interest never wavered, and the arguments between us, although at times reasonably heated, never passed beyond the limits of a mutual desire to get at the real facts.

After the close of the hearing, the Senate Committee went into executive session, and on April 13 reported out a revised bill, in which some of our suggestions had been adopted but which still seemed to us to contain many undesirable features. By this time tbe wbole situation had been greatly complicated by tbe appearance of the Wagner-Hatfield amendment, wbicb I shall discuss separately.

Meanwbile, we had had various conferences with Congressman Rayburn, Chairman of tbe House Committee on Interstate and Foreign Commerce. Mr. Rayburn was insistent that bis bill would not include any specific amendments to tbe Radio Act, making the point that bis committee had no jurisdiction over radio legislation, wbich in the House was all referred to tbe Committee headed by Congressman Bland.

Hearings on the House bill began April 18, but were interrupted and postponed so tbat we were not called to testify until May 8. Our statement at that time was confined to a general endorsement of the Rayburn bill, on the ground that it did not repeal or cbange the Radio Act of 1927.

The Dill bill passed the Senate, without a record vote, on May 15. Practically all the debate was concentrated on the Wagner-Hatfield amendment, which was defeated by a vote of 42 to 23. I shall come back to tbis subject later. The bill, as passed, still contained a number of tbe features to which we had objected, and one or two new and apparently undesirable amendments were added from the floor.

Witb Congress trying hard to adjourn, it looked for a while as if the communications bill might be sidetracked but on Saturday afternoon, June 2, the House suddenly passed the Rayburn bill under a rule which prevented amendments and practically eliminated debate.

I want to stop there just for a minute to show you the kind of watcbfulness that is necessary. That was on Saturday afternoon. I had talked with Congressman Rayburn Friday afternoon and be said there was no chance, he thought, of the bill coming up before the following week. Saturday morning there was a buddle in the Speaker's office of the House. Legislation wbich was planned for Saturday afternoon was put over waiting for a

committee report. Congressman Rayburn saw a chance to get in the communications bill and with practically one hour's warning, the thing came up. That is the way things go in Washington and that is why this job requires constant watchfulness. You can never tell what is going to happen or when it will happen.

The bill then went to conference and on June 8 the Conference Committee reported back to both Houses the Communications Bill in its present form. Practically every important point on which we had insisted was agreed to, and the bill in its final form was a remarkable demonstration of the consideration which had been given to our arguments by the Senate and House leaders. The measure was immediately passed by both Houses without debate, and was signed by the President.

One little episode in connection with that. The Conference Committee met and after the meeting was over, we were trying to find out what happened. Phil Loucks, Frank Russell and I were calling up and all we could get was a statement by Senator Dill over the telephone to this effect: "We have been very generous to you fellows." Not one of the three of us dared look that bill in the face when it finally came out. We didn't know what had happened. When we read it, we saw that every major point we had asked for was there. We didn't believe it was possible but Senator Dill was right when he said the Conference Committee was more than generous.

Substantially, the Communications Bill makes no change in the system under which broadcasting has been carried on since 1927, except in the matter of appeals to the courts from actions of the Commission. This section has been the subject of much discussion. The fact that appeals in certain cases may be taken in the Federal Courts of the districts in which the appellants are located, will certainly complicate the work of the Commission and may result in some confusion, but, in any event, this provision should not work to the immediate detriment of the broadcasters themselves.

Of course, the machinery of the Commission under the new administration is bound to differ somewhat from that which was in effect previously but there is no indication that any drastic innovation is likely, and up to now there has been so little difference in actual operation that probably not a single broadcaster has been conscious of any change.

The most significant new feature of the bill is Section 307-(c). This was introduced as the result of the agitation over the Wagner-Hatfield amendment and it is, of course, directly in line with President Roosevelt's recommendation that additional legislation should be passed by the next session of Congress after study and investigation by the new Commission. Even if this section had not been included in the law, the general tone of the President's message and of the discussion in Congress would have practically required the Commission to make a study of the broadcasting situation and to follow that study by specific recommendations to Congress. Such a study was further made necessary by the fact that the President had instructed a committee headed by Secretary Roper to investigate and report on the broadcasting situation, and this investigation was dropped only because the Commission was obviously the proper body to undertake it.

Before passing to the Wagner-Hatfield amendment, I want once more to say that never in my long experience with legislation have I found the leaders in both the Senate and the House so open-minded and so ready to welcome information as they were in connection with this important piece of legislation. Your committee has never worked so hard over any bill as it did over this one but it has never worked with such a feeling of close and friendly cooperation on the part of those Senators and Congressmen in whose hands rested the shaping of the law.

The history of the Wagner-Hatfield amendment to the Communications Act, which was paralleled by the Rudd and Brunner bills in the House, goes back to the application of WLWL in New York for full time on the channel occupied jointly by WLWL and WPG. The Federal Radio Commission, after full hearings, denied this application, whereupon Father John B. Harney, Superior of the Paulist Fathers, owning and operating Station WLWL, undertook a campaign to secure through act of Congress what the Commission had denied. Father Harney appeared before the Senate Committee on Interstate Commerce on March 15 and presented an amendment declaring all broadcasting licenses null and void ninety days after the effective date of the Act, requiring a complete reallocation of all broadcasting facilities and setting aside a quarter of all such facilities for educational, religious, agricultural, labor, cooperative and similar non-profit making associations, with the proviso that all stations thus favored should be permitted to sell time to such an extent as to operate on a self-sustaining basis.

An identical bill was introduced in the House by Congressman Rudd of New York on April 5 and on April 13 Congressman Brunner of New York introduced a companion bill which required that each broadcasting licensee should set aside one-quarter of its time for the use of such organizations as were designated in the Harney amendment.

I want to stop just a second and call your attention to that Brunner bill. We have all got into the way of thinking that the Wagner-Hatfield amendment is the issue that is coming up at the October hearings. It is not the only issue by a long shot. The proposal in the Brunner bill that Congress enact a law requiring each station to set aside 25 per cent. of its time is also going to be covered. It is covered very definitely in the wording of section 307-(c).

The Senate Committee rejected Father Harney's amendment and in its place reported out the paragraph which appears as section 307-(c) in the present law. Thereupon Senator Wagner of New York and Senator Hatfield of West Virginia announced on April 27 that they would introduce the Harney amendment on the floor of the Senate when the Communications Bill came up.

From April 27 to May 15 the campaign on both sides was carried on with great energy. Certain labor interests had allied themselves with Father Harney, and at one time it appeared probable that the amendment would be adopted in the Senate. Phil Loucks won a beefsteak dinner on the fact that it wasn't. They were betting beefsteak dinners. On the House side, a long list of Congressmen who had expressed themselves as favoring the amendment was made public, and on May 9 Father Harney appeared before the House Committee on Interstate and Foreign Commerce to advocate the passage of his amendment. At that time several Congressmen likewise appeared before the committee in support of the amendment, saying that they represented many other Congressmen who were unable to be present.

The leadership in the fight against this amendment, which obviously would have destroyed the whole structure of broadcasting in America, was splendidly assumed by Senator Dill. Nothing could better demonstrate his disinterested efforts to secure the passage of the best possible legislation than the fact that although the National Association of Broadcasters was definitely and vigorously opposing many of the features of his bill, he nevertheless came to the Association's support at a time when, without his active cooperation, the Wagner-Hatfield amendment would probably have passed. As it was, the amendment was defeated on the floor of the Senate after extended debate, by a vote of 42 to 23. In the House the amendment was considered in executive session by the Committee on Interstate and Foreign Commerce, and was rejected. Under the rule secured by Mr. Rayburn, amendments and debate in the House were practically shut off, and consequently no attempt was made from the floor to force this amendment into the bill.

Meanwhile, the Rudd and Brunner bills had been referred to the House Committee on Merchant Marine, Radio and Fisheries, of which Congressman Bland was Chairman. In view of the nature of these bills, even though Congressman Rayburn's committee had rejected the Harney amendment, it would have been an easy matter for Congressman Bland to have yielded to the pressure which was constantly brought to bear on him and have asked his committee to report out one or both of these bills. This would have presented a situation just as serious as the inclusion of the Harney amendment in either the House or the Senate Communications Bills.

To Senator Dill, ably assisted on the floor by Senator White of Maine, to Congressman Rayburn and Congressman Bland, the entire broadcasting industry is deeply indebted. They saw exactly what this amendment meant and stood firm against tremendous efforts, backed by the strongest kind of political pressure, not simply in defense of broadcasting but rather in defense of what they knew to be right.

The broadcasters responded splendidly to our requests and practically every Senator and Congressman learned much during May about the operation of the broadcasting stations in his state. The objections to the Harney proposal were set forth in special statements prepared by us, and a very large number of Senators and Congressmen were seen personally. The defeat of the amendment does not, however, mean that the movement which underlay it is at an end. This same issue is coming up in a very few weeks before the Federal Communications Commission, and will likewise come up, probably with increased force, in the next session of Congress. I shall discuss this situation a little later.

Before leaving the subject of the Communications Bill, I want to say a word about the personnel of the Federal Communications

Commission. At a meeting of your Board of Directors held in Washington on May 14, a resolution was adopted urging the President of the United States, in making appointments to the Federal Communications Commission, to give careful consideration to the importance of carrying on the work of the past seven years by including in the membership of the new Commission some of those who, as members of the Federal Radio Commission, had had long experience with the special problems of broadcasting.

In pursuance of this resolution, immediately after the passage of the Communications Act, I called at the White House and discussed there in general terms, though without any reference to individual members of the Federal Radio Commission, the suggestion of the broadcasters. I also, by invitation, discussed the same matter very fully with the Secretary of Commerce.

Of course, everybody in Washington takes full credit for the appointment of every one of the members of the new Commission, and I do not for a moment want to imply that our recommendation was responsible for the outcome, but in any event, the broadcasting industry may well feel gratified that the two appointments for the longest terms, including the appointment to the chairmanship of the new Commission, went to members of the Federal Radio Commission.

As regards the appointment by the new Commission of its own administrative personnel, the Association has felt that this was a matter in which it could not properly make any suggestions, but here again, it is very gratifying to know that so many of the employees of the Federal Radio Commission have been assigned to posts with the new organization.

In opposing the Wagner-Hatfield amendment and also in dealing with the question of freedom of speech over the radio, the broadcasters had an unexpected ally who certainly had no intention of being one. This was Congressman McFadden of Pennsylvania.

On February 14 Congressman McFadden introduced a bill which, in substance, would have required any broadcaster who permitted the use of his station by any religious, political, educational or charitable organization to give equal facilities to any similar organization expressing different views.

This bill was obviously introduced on behalf of Judge Rutherford and his organization, and members of Congress were deluged with petitions asking for its passage. The petitions were said to have aggregated over two and a half million signatures.

At first there was a tendency in Congress to disregard the McFadden bill, but so much pressure was brought to bear on the members of the House Committee on Merchant Marine, Radio and Fisheries that finally Judge Bland announced public hearings on this bill.

The hearings began March 15 and ended March 20. In spite of the wide scope of the bill, including as it did religion, education, charity and politics, it was significant that the only proponents of the bill were Congressman McFadden himself and a long array of witnesses from Judge Rutherford's group. The broadcasters were represented by Mr. Loucks; Mr. M. H. Aylesworth, President of the National Broadcasting Company; and myself. Others who testified in opposition to the bill were Mr. Henry L. Caravati, Executive Secretary of the National Council of Catholic Men; Dr. Frank C. Goodman, Executive Secretary of the Churches of Christ in America; and Judge Sykes, Chairman of the Federal Radio Commission.

The members of the House Committee took a keen interest in these hearings and for many of them the testimony was a liberal education. The result went far beyond merely proving that the McFadden bill was wholly unnecessary and impossible. The fact that, despite all the publicity, not a single witness appeared to complain of discrimination in the fields of politics, education and charity, and that in the field of religion the only complaint came from one organization, conclusively demonstrated that broadcasting in America is actually operated on a basis of real freedom of utterance and fair play, the only limitation being that of public interest.

Such a conclusive demonstration would never have been given during the last session of Congress if it had not been for Congressman McFadden, and it is for this reason that I have said that though both his bill and his intention were destructive, he turned out to be a real and most useful friend. The evidence presented at these hearings, not only was very valuable during the remainder of the Congressional session, but will be even more so in connection with future developments.

Nothing could give a better demonstration of the need of constant watchfulness in Washington than the effort which was made last spring to rewrite completely the copyright laws of the United States without anybody's knowing about it. As far back as June 6, 1933, Senator Cutting of New Mexico, had introduced a wholly inconspicuous bill to provide for the entrance of the United States into the International Copyright Union. Nobody gave this bill a second thought and it was not even referred to the Committee on Patents, which has charge of all copyright legislation. Instead, it was sent to the Committee on Foreign Relations, where everybody supposed it would simply be pigeonholed.

Instead, on March 28, the committee held a sort of hearing on the bill, although the hearing was really an executive session in which certain witnesses were called. Chief among these was Robert Underwood Johnson, editor, author and former Ambassador to Italy, and a personal friend of the President. No general notice of the hearing was given, and it was not until the next day that we learned that Mr. Johnson and a few others had strongly urged the passage of the bill.

Short as the Cutting bill was, there was enough in it completely to break down the last defense of every user of copyright material against racketeering. It provided for automatic copyright without registration or notice, and had a number of other clauses highly objectionable to us. Basically, it simply threw overboard all our present copyright laws and set up in their place the regulations of the International Copyright Union.

We immediately got in touch with the Chairman of the Senate Committee on Foreign Relations, Senator Pittman, and also with the two next ranking Democratic members of the committee. The attention of other important groups of users of copyright material, such as the press, was called to this bill, as it had completely escaped their notice. As a result, the bill was referred to a subcommittee of which Senator Duffy, of Wisconsin, was Chairman. This sub-committee held hearings May 28 and 29.

Once again the broadcasters were deeply indebted to Senator Dill, who was the principal witness at these hearings against the Cutting bill and made a very strong and admirable presentation. Our Association was represented on this occasion by Mr. Schuette. The testimony in support of the bill was conspicuously weak, the most important feature of it being a letter from President Roosevelt to Mr. Johnson, dated April 25, 1934, recommending the passage of the bill.

Since all unfinished legislation died at the close of the session, the Cutting bill made no further progress, but unquestionably the issue will be revived in the next session of Congress.

Various other bills occupied a certain amount of your committee's time during the session. One of these was a bill introduced in both Houses, at the request of the Federal Radio Commission, designed to give the Commission some degree of control over stations with transmitters in Mexico and studios in the United States. This bill was introduced in the Senate on February 6 by Senator Dill and in the House on February 8 by Congressman Bland. Hearings were held simultaneously in both Houses on February 15. I testified before the House Committee but so many questions were asked that I was unable to get to the Senate Committee before it adjourned. However, Senator Dill permitted us to file a written statement.

We had no particular fault to find with this bill, except that we were very doubtful as to its effectiveness and also felt that a clause should be inserted to protect network broadcasting against technical violations of the law. This clause was accepted by the Senate, and the measure was passed by the Senate in that form. The Radio Commission objected to our amending clause as unnecessary and the House Committee reported the bill out in its original form. No action was taken in the House but the bill finally found its way into the Communications Act as Section 325 (b) and (c).

Another bill introduced in both Houses but never acted on separately was the bill prohibiting the broadcast of lotteries, the wording being identical with that introduced by us voluntarily in the Code of Fair Competition for the Radio Broadcasting Industry. This now appears as Section 316 of the Communications Act.

On March 10 Senator Capper of Kansas introduced a bill prohibiting the advertising of liquor by radio. This bill never reached even the hearing stage and after discussing the matter with the sponsor of the bill, we felt that no effort would be made to push it.

In this connection, attention should be called to the press release issued on February 2 by the Federal Radio Commission, which said, in effect, that although liquor advertising was probably legal and the Commission could, therefore, issue no order on the subject, it would still be inclined to regard liquor advertising as undesirable and would take this fact into account in considering applications for renewal of licenses. We discussed with members

of the Radio Commission the obvious injustice of attempting a government by press releases, and our views on the subject, strongly opposing such methods, appeared shortly afterward in the Congressional Record. The Radio Commission took no further steps in the matter.

On January 3, Congressman Huddleston of Alabama introduced a bill declaring that all radio broadcasting stations were public utilities. No further action was taken on this bill but the issue came up again in the discussion of the Communications Act. Unquestionably, there are a number of men in Congress who hold this view and we may expect to have it presented in legislative form at the next session.

On the same day, January 3, a bill was introduced by Congressman Swank of Oklahoma providing for federal taxes on all property employed in interstate commerce. This bill, of course, would have imposed a heavy burden on every broadcasting station. The measure made no material progress but it required careful watching and the proposal is pretty certain to come up again.

On January 19, Senator Robinson of Indiana introduced a resolution calling for an investigation of interference with freedom of speech over the radio. While this resolution was never acted on by the Senate, the feeling which prompted it was frequently expressed in speeches, and I shall have something further to say about it in my recommendations as to future policies. The resolutions introduced at the end of the session by Senators Dickinson and Long, calling for an investigation of the Federal Radio Commission, were based on the same idea.

We now come to another piece of major legislation in which every broadcaster is vitally interested, the Tugwell-Copeland bill to regulate the manufacture, sale and advertising of foods, drugs and cosmetics.

In my report to you a year ago, I spoke of the conference held April 29, 1933, in Mr. Tugwell's office, at which our Association was represented by the usual trio, Mr. Loucks, Mr. Russell and myself. The bill prepared under Mr. Tugwell's direction was introduced early in June, 1933, in both Houses of Congress by Senator Copeland and Congressman Sirovich, both of New York. This bill set up the Secretary of Agriculture as a virtual dictator over advertising, and was so broad in its terms that practically every advertisement of foods, drugs or cosmetics became potentially illegal. The enactment of such a bill would manifestly have been disastrous to every legitimate and scrupulously managed advertising medium in America.

Hearings on this bill were held December 7 and 8, 1933, before a sub-committee of the Senate Commerce Committee, with Senator Copeland presiding. So many witnesses on both sides presented themselves that Senator Copeland urged every one who was willing to do so to file a written brief. Accordingly, a brief prepared by us was filed on behalf of our Association by Mr. Baldwin.

The Tugwell bill was revised and to some extent improved following the December hearings, and in February the Copeland subcommittee reported the revised draft back to the full Committee on Commerce. Much to Senator Copeland's surprise, the committee, many of the members of which had been interviewed in the meantime, refused to accept the bill and ordered further hearings. These were held beginning February 27, and again we filed a brief on behalf of our Association.

After some further revision, the bill was reported out by the committee about the middle of March and took its place on the Senate calendar. It was called up several times but invariably a number of Senators objected to its consideration. Senator Copeland tried to get it through even in the closing hours of the session, but in vain.

If you have read the Congressional Record, you know that when a bill is called up, it reads: "Senator So-and-so: I object." Well, when the Tugwell bill came up, it reads: "Several Senators: I object."

While every effort was made by the proponents of the bill to create the impression that in its latest form it was wholly unobjectionable, it still contained many features which seemed to us undesirable, and basically we believe the advertising sections of the measure to be unnecessary, since existing law confers similar and wholly adequate powers on the one federal body adequately organized to exercise them, the Federal Trade Commission. I shall revert to this in a moment.

Meanwhile, five separate and wholly distinct bills on the same subject had been introduced in the House, two of them by Congressman Sirovich, one by Congressman Boland of Pennsylvania, one by Congressman Black of New York, and one by Congresswoman Jenckes of Indiana. The House was obviously waiting to see what the Senate would do and none of these five bills reached even the hearing stage.

There were constant reports of White House endorsement of the Tugwell plan, and although no official statement was issued, it was evident that the measure had active support in certain very influential quarters. Efforts were made, without success, to force some of the salient features of the Tugwell bill into various industry codes of fair competition, including our own. Mr. Tugwell has recently made public a statement that the whole matter will be brought up again at the next session of Congress, and it has been implied that the new proposal will be more drastic even than the original one.

By far the strongest argument against making the Secretary of Agriculture, or any other government official, a dictator over advertising is the fact that existing law gives the Federal Trade Commission full power to protect the public against advertising which is in any way fraudulent or misleading. The Federal Trade Commission has for years quietly and efficiently gone about its work of curbing fraudulent printed advertising, but not until this last spring did it extend its work into the broadcasting field.

On April 14 the Federal Trade Commission sent letters to a few broadcasters, asking for copies of all their advertising continuities and announcments for the month of March. Mr. Loucks promptly called on Commissioner Ewin Davis and also on Mr. E. J. Adams, Chairman of the Commission's special board of investigation. It was immediately found that the Commission was eager to cooperate in every possible way with the broadcasters, and at a further conference with Mr. Adams, attended by Mr. Loucks, Mr. Russell and myself, all the details were worked out in a most satisfactory manner. Above all, it was made clear that the Federal Trade Commission was in no way singling out broadcasting for special investigation but was simply extending into our field the methods it had long been using so successfully in dealing with visual advertising.

All stations and networks were directed to send to the Federal Trade Commission copies of all their advertising continuities and announcements beginning June 1, a date subsequently postponed to July 1. Within a little over three weeks, the Commissioner received nearly one hundred thousand continuities, and on July 25 it authorized the discontinuance, at any rate for the time being, of the submission of this material. Out of 598 stations to which the Commission's letter had been sent, 593 responded, which was pretty close to 100 per cent.

In our opinion, full and hearty cooperation with the Federal Trade Commission is the best, and indeed the only effective, protection against the enactment of legislation of the Tugwell variety, and, accordingly, your committee urges strongly that every broadcaster should in good faith do everything in his power to facilitate the work of the Federal Trade Commission in putting a stop to the use of radio for fraudulent advertising.

More and more the states are taking an active interest in broadcasting as a potential source of revenue. It is impossible to give anything like a complete list of the bills introduced in the legislatures of the various states relating directly or indirectly to broadcasting, as a really adequate service covering this subject would be exceedingly expensive. However, as illustrations, let me call attention to the bills in the New York State Legislature providing for a 2 per cent. tax on the gross receipts of all sales and services within the state, providing a 5 per cent. tax on the gross receipts of broadcasting stations and providing a 10 per cent. tax on all amusement enterprises, including broadcasting. West Virginia had a bill providing a tax of 1½ per cent. on the gross income of all broadcasting stations, Delaware a bill providing a $500 license fee for broadcasters, Missouri a general sales tax bill which would have levied a heavy tax on all broadcasting receipts, and so on. Massachusetts had a bill covering slander by radio, and Rhode Island had one providing for the regulation of all speakers over the radio within the state. These are just illustrations of what is going on. Unquestionably, this situation is going to become more acute each year and your committee will make a definite recommendation regarding it.

So much for what has happened in the past. Now, what about the future?

First of all, I want to make it just as clear and emphatic as I possibly can that we are facing legislative problems, both federal and state, more serious and more acute than any we have faced in the past. Don't for one moment forget that the only reason why we escaped special legislation in the last session of Congress was because such legislation was expressly reserved for the session which begins next January. The President has told the Federal Communications Commission to make recommendations to Congress and unquestionably the Commission will do so. Even if, as we

hope, its recommendations call for no radical changes, we are still facing the certainty of legislative attacks in the next session of Congress.

This, after all, is the New Deal, which means in the minds of a great many people a vast extension of government control over business. It means an era of unprecedented legislative experiment. It means that many of the rights which used to be regarded as firmly established can no longer be considered as stable. The broadcasting industry has got to justify its existence but it has got to do a good deal more than that. It has got to prove that its operation is in the public interest and that any material change in the method of that operation would hurt the public.

The immediate issue before us is the showing we must make on behalf of American broadcasting in the hearings before the Broadcasting Division of the Federal Communications Commission, scheduled to begin October 1. I have no hesitation in saying that this hearing is one of the most important events in the entire history of American broadcasting. It is up to us not merely to present a case which will justify the Commission in recommending no material changes in the law as it affects broadcasting but still more to establish so strong a record that we shall have a conclusive answer to every attack which can be made on our industry and our work. The program for the presentation of our case is already fully developed, and I want to call earnestly upon every broadcaster in the country to assist in making this presentation complete and convincing by providing us with every bit of information which may be available.

As you know, we sent out a questionnaire or memorandum with questions to every broadcaster. At the time I left Saturday, we received complete about 60 answers to that questionnaire. We ought to have not less than 350. A lot of people simply haven't got around to it. We put a dead line of September 15 in the hope that the work of going over these things and getting the necessary summary of them could be done with a reasonable amount of leisure. So many of them are late that it is going to mean a great deal of last minute work. But, I want to call on every broadcaster to come across. That information is going to be a lifesaver to you. Every broadcaster who fails to get in his answer is doing his best to wreck his own industry and his own business.

After the hearing will come the session of Congress, and, as I have said, no matter what the Commission may report, attacks on the broadcasting industry are bound to be made. We shall have the Tugwell bill, possibly in a more drastic form than ever. We shall have proposals for automatic copyright. We shall have bills seeking to take away part of our facilities, and bills seeking further government regulation of our activities.

At this point I want to say something quite personally. I have been Chairman of your Legislative Committee continuously since 1928. For six years I have carried the principal weight of this job as best I could. I want to tell you that, as the result of my experience, I do not believe you can afford to entrust this duty longer to any one man whose first responsibility is elsewhere. This is partly because the work itself requires too much time and partly because it cannot be properly done with divided responsibility. A man employed by one unit in the broadcasting industry can not adequately represent in legislative matters the industry as a whole. In looking forward to what I am certain will be the most difficult year from the legislative standpoint we have ever had, I want you to consider very carefully how the responsibility can be best handled in your interests.

As regards specific legislation, of course, we can not tell what will come up in the way of amendments to the Communications Act until after the Federal Communications Commission has reported. Our immediate task is to present the best case we possibly can before the Commission, and once again I call on every one of you to support the National Association of Broadcasters and its representatives in connection with that hearing. Whatever future legislative action may be necessary will be determined partly by what the Commission reports, but no matter what the Commission's findings may be, don't think for one moment that the battle will be over. All the enemies of American broadcasting will be in the corridors of the Capitol, busier than ever.

The Tugwell bill in some form we can safely count on as one of our major problems. The supporters of this bill have learned a lot in the past six months and in bringing forward their new legislation, they are going to profit by their lession. If we do not want to have advertising controlled by a federal dictator, you will have to be prepared to do your part in opposing legislation which would create such a dictatorship.

And, let me add this: to some extent that dictatorship is committed to a policy of reducing the total amount of advertising in this country. That dictatorship regards advertising as an economic waste and back of the proposed bill is a definite plan to cut down the amount of advertising, and that you should reckon with.

One other matter is of vital importance. You all know of the suit by the federal government to dissolve the American Society of Composers, Authors and Publishers. This is a tremendous step in the right direction, but it will not solve our copyright problems. Nothing will solve those problems as long as the copyright law retains its provision of minimum $250 damages for each and every infringement of performing rights. We can not bargain freely for the use of music when the law sets such a minimum valuation on it. Your committee believes that the splendid achievement represented by the government suit against ASCAP will actually do us very little good unless we are prepared to secure a change in the copyright law.

Back of much of the agitation in Congress is the feeling that freedom of speech over the radio may not be adequately safeguarded. We made a good showing in the hearings on the McFadden bill, and we expect to make a good showing before the Commission in October, but the only way in which you can protect yourselves from regulatory legislation on this subject is by doing your jobs so well that such regulation is manifestly needless. This does not mean, of course, that you are under any obligation to let everybody talk on every subject. It does mean, however, that in every controversial issue you have got to be absolutely and scrupulously fair. You have got to see to it that no one has just cause for complaint that you provided facilities for one side of a controversial subject and denied facilities to the other side. Radio broadcasting should be just as jealous of its freedom as the press is. We can be justly proud of the record we have made in the past, but we must see to it that the future does not bring any blots on this record.

And, that brings me to one other thing. After all, legislation, whether federal, state or local, is simply the embodiment of what the legislators think the majority of the people want. We have never told the story of American radio as it should be told. We have seen attacks in the magazine and newspaper press, we have listened to criticisms from platforms and in conversation, and we have done very little about it. I believe that one of the important functions of your Association is to tell the story of American broadcasting as it should and can be told, and to help every broadcaster to tell it in his own community. We have found that members of the federal and state legislatures are almost always friendly and sympathetic as soon as they really understand the situation. Back of them is the public, and I believe the public as a whole is tremendously appreciative of the service it receives from the broadcasters. The trouble is that most of the people who are satisfied say nothing about it, and a few hostile critics, whose statements are allowed to go unanswered, are able to create the impression that they truthfully represent millions of listeners. If the American public will make known what it really thinks, I believe most of our legislative problems will find relatively easy solution.

As regards state legislation, there is one way, and one only, in which it can be adequately handled. The broadcasters in every state must organize a state group, under the guidance and with the help of the National Association of Broadcasters. This has already been done in a number of states with wholly satisfactory results. Such a group, through its officers, can be constantly in touch with legislative problems, can, if necessary, secure legal assistance, and, above all, can keep in touch with the National Association in Washington, advising it of every legislative proposal which would be injurious to broadcasting and getting from it the benefit of experience with similar types of legislation in other states. I do not think any formal resolution on this subject is necessary, but I want to urge on the entire membership of the Association, and upon the new officers and Board of Directors, the vital importance of proceeding immediately with the organization in each state of a group of broadcasters, so constituted that it can deal with legislative problems promptly and effectively. I know from experience that the National Association can cooperate admirably with such state groups.

In closing, I want once more to express thanks to the broadcasters throughout the country who have cooperated so finely during the past year, to the Senators and Congressmen, and particularly Senator Dill, Congressman Rayburn and Congressman Bland, whose patience and sound judgment have made it possible for us to present our views with the certainty of careful and just consideration, and above all, once again, to Phil Loucks and Frank Russell, without whose help the satisfactory results of the past year would have been wholly impossible.

And, just because these results have been so satisfactory, I want to end with a warning for the future. By far our biggest job lies ahead of us, not only in dealing with specific legislation but in that kind of public education and active, intelligent cooperation with educational, religious and other cultural groups, which alone can in the long run really determine the course of legislation. It is up to you to decide how you want this job to be done, and, when you have so decided, to give your wholehearted support to those to whom you entrust this task. (Applause.)

CHAIRMAN SHEPARD: Mr. Bellows, I am sure I speak for all of us here when I thank you for your very comprehensive report. Those of you who have been in attendance at the convention in previous years probably had some idea of the tremendous amount of work the Legislative Committee has to do each year. Those of you who are attending your first convention, I believe now have a fair sample of the work of your Legislative Committee. I am going to ask those here to give a rising vote of thanks to Mr. Bellows and his committee for the work done this year.

(Rising vote of thanks.)

CHAIRMAN SHEPARD: Although Mr. Bellows stressed the urgency of getting in your report on the questionnaire sent out by the NAB to prepare their case for the educational hearing on October 1, I want to add a word to that also that the time is short and the hearing starts about one week after you arrive home, and the most important thing we have to do at the moment is to see that that information gets to Mr. Bellows and the NAB as quickly as possible.

It is now my pleasure to introduce the next speaker who will give the report of the Engineering Committee, Mr. Joseph A. Chambers. I regret that I do not know Mr. Chambers personally well enough to introduce him. He is, however, the Chairman of the Engineering Committee of the National Association of Broadcasters and Chief Engineer of the Crosley Radio Corporation. I understand that the world's most powerful radio station was installed and put into operation under the leadership of Mr. Chambers. (Applause.)

REPORT OF ENGINEERING COMMITTEE

J. A. CHAMBERS, Chairman

(WLW, Cincinnati)

During the past year your Engineering Committee has met on various occasions to study several problems placed before it which are most important to the broadcasting industry. On April 14, 1934 the committee met in Cincinnati to discuss existing operating standards and methods of improving them. On May 28, 1934, during the I. R. E. convention in Philadelphia, the committee held an open meeting to discuss characteristics, standards and desirability of the so-called high fidelity system. On September 15, 1934 the committee met in Cincinnati to make a further study of operating standards. In addition, your Engineering Committee has on various occasions met jointly with the Broadcast Committee of the I. R. E. and the Standards Committee of R. M. A. to discuss "System Aspects in American Broadcasting," "Improvements of Operating Standards," "High Fidelity" and other technical problems. The purpose of the joint meetings was that the engineering groups representing different divisions horizontally improve the entire broadcast system rather than separate development along independent and conflicting lines.

During the course of these joint meetings, the NAB Engineering Committee was requested by the other two committees to supply data regarding operating standards and proposed operating standards for broadcast stations. At the request of the NAB Engineering Committee the R.M.A. Standards Committee supplied considerable data on the various characteristics of receivers of different classifications and the average receiver.

Your Committee's activities during the past year were primarily concerned with the natural evolutionary development of the improved, or so-called high fidelity receiver, and the responsibilities which the advent of such a receiver would impose upon the broadcaster.

The term "high fidelity" is relative and must not be confused with *perfect* fidelity. The improved receivers falling within this category are capable of reproducing a wider range of frequencies than receivers heretofore commercially obtainable. Because of this, they will much more readily show up any defects and deficiencies in the broadcast transmission system. This imposes upon the broadcaster the responsibility for, and the necessity of, maintaining engineering standards much more rigid than those which, unfortunately, the committee's recent survey of several member stations indicated are now being adhered to. Our survey disclosed the fact that while a majority of the station installations were *capable* of picking up and transmitting a signal at least equal to the reproducing ability of the most modern receiver as operated, they fall short of their capabilities.

A separate report on high fidelity study will be submitted but not read at this time. (The report is as follows:)

"Recognizing the advantages of high fidelity in those areas where it is possible, the Engineering Committee has collected and studied all proposals and available data. The design of the electrical equipment used by many broadcast stations is adequate for high fidelity transmission. The operation of these stations to meet the strict requirements of high fidelity requires the establishment of standards for the broadcast system, including the receiver and a determination of methods for obtaining and measuring these characteristics.

The NAB Engineering Committee summarizes the most practical requirements for high fidelity transmission as follows:

It may be assumed that all broadcasting station equipment meets the federal requirements regarding frequency stability and modulation capability.

Frequency characteristic (from microphone to antenna) of 40 to 9,000 cycles within 10 DB (plus or minus 5 DB) with reference to average values between 100 and 5,000 cycles.

Distortion not to exceed 5 per cent rms total. (It is pointed out in setting this value that a more accurate determination would require separate values for even and odd harmonics and weighting for different harmonic frequencies.)

The extraneous noises (electrical from microphone to antenna) are an important limitation to the use of high fidelity broadcasting. A limitation of these extraneous noises must include corrections for the characteristics of the human ear and other variable factors beyond the immediate province of broadcast engineering and includes such fields as telephone engineering. This information must be obtained to definitely establish the coordinated standards of noise.

The transmitter must be stable with no tendency toward oscillation or parasitics under all conditions of modulation.

The acoustics of the studio are as important as the characteristic of the transmitter itself. The optimum reverberation period and distribution of absorption vary with different types of programs and studio sizes and it is impractical to definitely define these characteristics. It is necessary that these acoustic properties be carefully and properly designed in the studio construction.

The frequency absorption characteristic of the studio may be definitely specified within the same limits as the frequency characteristic and the transmitter itself.

It must be pointed out that extraneous noises at the point of pick-up may be as detrimental as extraneous electrical noises and the same limitations must be applied to studio programs as are applied to transmitting equipment, and studios sound insulated and noises reduced to this level. In the case of outside pick-ups it may be impossible to define extraneous audio noises.

In addition to the design characteristics of the technical equipment as stated above, different studio technique must be employed to realize the benefits of high fidelity transmission. A greater volume range must be permitted to give a more enjoyable reception. In this connection, it must be pointed out that it is not desirable to reproduce exactly at the point of reception the program as produced at the point of origin (for example—few listeners, particularly those in apartment buildings or congested areas, would ever desire a brass band or large orchestra, at the original level, in the house). In the establishment of volume ranges, due consideration must be given to listeners' characteristics and desires and to program showmanship or musical interpretation.

In order to comply with the high fidelity requirements, it is necessary that present operating procedure be modified particularly as to average percentage of modulation. In order to stay within the limits of audio harmonics heretofore specified, it is necessary that modulation be at all times kept below 100 per cent. To do this and at the same time realize the volume range specified, it will be necessary that the average percentage of modulation be very much lower than is now common practice. A more complete study will be required in each individual case before the definite amount of reduction of audio signal to the transmitter can be determined. In view of information at hand, your committee believes that it will probably mean a reduction of the average input to the transmitter, which to most receiving sets will have the effect of considerably reducing the power of the station.

It must be pointed out that the signal received from the transmitting station by the receiver must be sufficiently high above static, electrical interference and other extraneous noises beyond the control of the transmitter, that these noises as reproduced by

the loud speaker during the reception of the program must be at the same levels below 100 per cent modulation as are established for the transmitters. It is also required that there be no distortion fading or fading beyond the ranges of suitable automatic volume controls. These conditions definitely limit the high fidelity area to a relatively small distance from the transmitter. The power used and the high fidelity areas covered depend on local conditions and should not be specifically defined. It may be stated, however, that under most conditions these high fidelity areas can be only a small percentage of the areas now accepted as service areas.

The Engineering Committee does not believe that a channel separation of greater than 10 KC is a necessary requirement to high fidelity transmission and reception. If the other requirements of high fidelity transmission and reception are met, the existing allocation, or a logical adjustment of it, would produce the most practical results inasmuch as the high fidelity areas of any station will in general be limited by other than the high frequency side band of stations on adjacent channels.

The decision on the adoption of any high fidelity standards must balance the improved quality of reception in a restricted area against less perfect reception over a greater area."

Of those stations surveyed, 52 per cent are deficient in the transmission of low audio frequencies and 66 per cent of them are deficient in the highs. Some of the deficiencies discovered in our survey included excessive and extraneous noises, limited and irregular frequency range, poor studio acoustics and pick-up technique. Neglecting to correct these conditions will result in a gradual but steadily increasing unfavorable reaction on the part of those listeners who invest in the newer receivers.

I am also including a separate report of the existing operating conditions, which is quite technical and which I will not read in its entirety at this time. (The report is as follows:)

"As a result of the request and necessity for data showing the existing operating practices and standards in the broadcast industry, questionnaires were sent out and available data collected and assembled in a manner that would show the conditions in the industry without identifying any individual station. Although not complete, the evidence collected definitely indicates that there is considerable variation in these operating practices and standards, and reveals that great improvement could be realized. It is not the purpose of this report to point out the methods of correction nor is it to be a condemnation of any individual stations.

It was found that relatively few broadcast stations possessed the necessary equipment to make an accurate measurement of their operating conditions, and in general those stations that could supply these measurements were not typical of the entire industry. The handbook referred to in a separate report of this committee will attempt to set up methods whereby this information can be determined by the individual stations. In the meantime, the report of A. S. Clark of the Radio Research Company of Washington, D. C., on measurements taken on thirty-five stations in the country, ranging from 100 to 5,000 watts, along with other data collected by the NAB Engineering Committee, has been accepted as typical of the industry.

The data collected shows that 52 per cent. of the transmitters are deficient in the transmission of low and 66 per cent. of them are deficient in the high audio frequencies. It also showed that the average distortion factor was considerably higher than is considered good practice, the average on transmitters measured showing 10 per cent. rms audio harmonics at 75 per cent. modulation.

Audio fidelity was measured at 50 per cent. modulation. A variable input was applied to the mixer system to maintain that degree of modulation at the various test frequencies.

Audio harmonic content was measured at 400 cycles in each case. The value indicated in the data represents the rms value of combined harmonics, rather than the arithmetic sum as specified in the FCC rules. The effective value is, of course, smaller than the arithmetic sum.

From the data collected, it appears that regardless of the general engineering acceptance of a wide frequency range as being standard, the composite frequency characteristic of the stations measured show a frequency range of only 200 cycles to 4,000 cycles within a plus or minus 2 DB range.

The percentage of audio harmonics average for the stations measured shows about 6 per cent. distortion at 40 per cent. modulation and about 10 per cent. distortion at 75 per cent. modulation.

The noise level which exists in the average station is approximately 35 DB below 100 per cent. modulation.

It is believed that the volume range resulting from present operating practices is between 30 and 40 DB.

No attempt has been made to collect data on frequency stability or modulation capability inasmuch as it must be assumed that the requirements of the FCC are complied with. From the distortion figures it is suspected that modulation capability might be improved in many cases.

It is pointed out that while the existing conditions in the broadcast industry are subject to considerable improvement, there has probably not been to date any ill effect as a result of the discrepancies, because of the characteristics possessed by receivers, and because of other limitations such as telephone lines and recordings, which may be beyond the control of the station.

It is felt, however, that a definite improvement may be achieved with the existing equipment."

In view of the conditions as they exist, it was believed desirable to issue a "Handbook of Broadcast Stations Operating Practices." The handbook will be designed to assist engineering personnel of member stations in attaining the maximum capabilities of their station installations. It will recommend operating standards and will standardize and give information regarding the methods of determining and improving operating conditions and characteristics.

It is too frequently assumed that because a transmitter is purchased, possessing the latest engineering design and development, it will continuously function as originally designed. Unfortunately, such is not the case, and the complicated and highly developed station installation of today requires constant and regular checking and measuring through the use of precision measuring equipment.

We, your Engineering Committee, therefore recommend:

(a) That all stations place in the hands of their operating personnel the necessary testing and measuring equipment of the latest type, to assure the maximum operating capabilities of the station equipment.

(b) That the Engineering Committee be instructed to complete the work on the proposed handbook and that this handbook be published for distribution to member stations.

(c) That there be further study and analyses of technical practices and standards with a view toward improving the use of the facilities of member stations to attain a higher standard.

(d) A furtherance of the cooperative action by the R. M. A., the I. R. E. and the NAB to improve the results of the entire radio broadcast system from microphone to loudspeaker.

And, I am also including an index of the information that is proposed for the handbook:

"This 'Handbook of Broadcast Stations Operating Practices' being assembled and edited by J. C. McNary, Technical Director of the NAB, is to act as a guide for the standardization and measurement of broadcast station operating practices and equipment characteristics. We believe that the use of this bandbook will be of assistance to station operators in improving the results of existing facilities. It will also pave the way for further study and improvement. The index includes the following:

1. *Ground Wave Propagation:* A series of curves showing field intensities (expressed as a fraction of the intensity at one mile) for various distances and at broadcast frequencies. Rolf's simplification of the Sommerfeld formula is used.
2. *Sky Wave Propagation:* Summary of available data on sky wave propagation.
3. *Non-directional Antennas:* A series of curves and discussions of measured characteristics of typical vertical wire, guyed tower, and self-supporting tower radiators.
4. *Directional Antennas:* Methods of computing and designing the more conventional types of directional antennas adaptable to broadcasting uses.
5. *Pads and Attenuators:* Curves giving design data.
6. *Transmission Line Design:* Reference data on impedances losses, etc., of open-wire and concentric lines.
7. *Audio Distortion Measurement:* Outline of metbods.
8. *Measurement of Frequency Characteristics.*
9. *Modulation Measurement.*
10. *Hum and Other Extraneous Noise Measurement.*
11. *FCC Allocation Principles:* A reprint, with added discussion and explanation, of the mileage separation tables, allocation factor, adjacent channel interference, etc."

Thank you. (Applause.)

CHAIRMAN SHEPARD: Tbank you, Mr. Chambers.

ANNOUNCEMENTS

CHAIRMAN SHEPARD: We have the report of the Tax Committee which Mr. Loucks will read at this time.

REPORT OF TAX COMMITTEE

E. M. Elkin, Chairman

(KDKA, Pittsburgh)

MANAGING DIRECTOR LOUCKS: This is the report of Mr. Elkin, Chairman of the Tax Committee. It is very brief and as Mr. Elkin will not be at the meeting, he has asked me to read his report to you.

"Annual Report of the Tax Committee.

"It was pointed out in the committee's report to the convention last year that officials of the Bureau of Internal Revenue had at various times expressed the desire to further consider rates of depreciation on depreciable assets of the broadcasting industry for the purpose of the federal income tax. During the past year, an intensive study of this subject has been made by the Appraisal Section of the Bureau. The cooperation of the Association was sought in an effort to determine whether it would be possible to standardize rates of depreciation on broadcasting equipment for the entire industry, and the Association was requested to compile certain data for this purpose.

"The request was referred to your Tax Committee, and in view of the nature of the subject, the committee concluded it would require the advice and counsel of experienced engineers in the broadcasting industry. Accordingly, a sub-committee of such engineers was appointed, and immediately began preparing and assembling a considerable volume of statistical data which would disclose the life of broadcasting equipment for the average station.

"After a detailed study of the data assembled, the engineers reached the conclusion that the life of broadcasting equipment for the average station did not exceed four years, whereas the Bureau of Internal Revenue had tentatively determined that such equipment had an average life of ten years.

"Several conferences were held with officials of the Bureau, at which time the various phases of the subject were fully discussed. In addition, briefs were filed and data submitted by your committee in support of the experience tables compiled by the engineers.

"After studying the briefs submitted by the committee, the Bureau reached the conclusion that it was not practicable to promulgate an official bulletin on depreciation rates for the entire broadcasting industry. It was believed there were so many different elements affecting different stations that each case must necessarily be decided on its individual merits, and for this purpose, a six-year life should be used as a starting point for all cases, but if the facts in individual cases justified lower rates of depreciation, then such lower rates would be allowed on the basis of such facts.

"Although engineers representing the Association demonstrated by past experience that the life of the average station should not exceed four years, it appeared to your committee that the conclusion reached by the Bureau was reasonable under the circumstances. It could not be expected, of course, that the Bureau of Internal Revenue would allow such high depreciation rates in those cases where it was clearly demonstrated that the life of a station exceeded four years, but recognizing the circumstances in unusual cases, the Bureau left the way open for each station, to secure higher rates of depreciation of the facts justified.

"Your committee is especially grateful to the several engineers representing members of the Association who devoted their untiring efforts to conscientiously determine a solution to this difficult problem.

"Throughout the year, there have been sporadic attempts on the part of legislatures in those states where sessions have been held, to propose tax legislation that clearly discriminated against the broadcasting industry. These attempts have proved to be unpopular, resulting in the defeat of the legislation. Such instances of discriminatory legislation will undoubtedly appear from time to time, and it is the hope of your committee that each member of the Association will be on guard to protect the lawful and just interests of the industry.

"Changes have been made in taxing statutes throughout the country during the last year. Generally speaking, these changes have resulted in higher taxation including federal, state and local, but in so far as your committee has been able to determine, they affect not only the broadcasting industry but all industry alike.

"In conclusion, the Tax Committee recommends that the Association proceed with the organization of state committees for the purpose of opposing discriminatory tax legislation in the several states and that these committees cooperate closely with the headquarters office of the Association in all such tax matters."

In that connection, I just want to add that forty-four of the forty-eight state legislatures will be in regular session next year. (Applause.)

CHAIRMAN SHEPARD: I want to call your attention to the fact that the third session is scheduled for ten tomorrow morning and request that you all be in attendance promptly.

The second session is now adjourned.

ANNOUNCEMENTS

The meeting adjourned at 3:40 o'clock.

SEPTEMBER 18, 1934

Tuesday Morning

The meeting convened at 10:40 o'clock, President McCosker presiding.

PRESIDENT McCOSKER: Ladies and gentlemen, I wish to declare open the third session of the twelfth annual convention of the NAB.

The first, second and third items of the program we will pass for the moment due to the fact that the gentlemen entailed in these presentations are not here. We will ask Mr. H. K. Carpenter of the Radio Air Service Corporation of Cleveland to give his report as Chairman of the Committee on Cost Accounting. Mr. Carpenter. (Applause.)

REPORT OF COST ACCOUNTING COMMITTEE

H. K. Carpenter, Chairman

(WHK, Cleveland)

Mr. President, ladies and gentlemen: this is certainly a break for me because this matter of cost accounting is so interesting to most of us that if I were last on the program, as planned, I don't believe there would be five people left in the room.

They say it isn't wise to start with apologies and yet possibly I better in case I sneeze in the middle of this. Referring to hay fever victims, I was told a story of their convention in Canada. The presiding officer started his opening speech, sneezed violently and his glasses flew half way across the room, and they immediately elected him president. The stenotype operator and the press need not worry about this light flying down there because I think I have things under control.

This matter of cost accounting, as I say, is somewhat uninteresting but my report is rather brief and if you sleep, all I ask is that you do not snore audibly. (Laughter.)

The committee appointed by President McCosker last year to study the problem of a uniform system of accounting for broadcasting stations was composed of the following people:

Walter J. Damm, WTMJ, Milwaukee,
M. R. Runyon, WABC, New York,
H. F. McKeon, WJZ, New York,
R. W. Hoffman, WHFC, Chicago,
Lewis Weiss, WJR, Detroit,
J. H. Ryan, WSPD, Toledo,
J. L. Kaufman, WCAE, Pittsburgh,
I. Z. Buckwalter, WGAL, Lancaster,

with myself as chairman.

On account of the nature of the work—the fact that it had never been done before, the divergence of opinion between broadcasters themselves, and the difficulty in obtaining data from various stations as it exists at the present time—there has been considerable delay; and only in the past few weeks is it beginning to take some definite form.

As you know, some months ago the committee finally decided on a form of questionnaire which was sent out to all member stations. This questionnaire was the result of a number of conferences with different broadcasters and accountants and was finally evolved by Mr. Hyman Tash, an accountant of Washington, D. C., whose assistance in this work has proved of very great value. It is only recently that a sufficient number of these questionnaires have been returned to make even a preliminary study possible. The definite recommendations of this committee are contained in this report a little later on. I should like to say at this point that

this report is *not* a report of the committee as a whole, but contains only my personal comments and opinions based on a close study of the problem during the past year—unless otherwise specifically stated.

The need of an adequate accounting system in any business is self-evident and surely does not need to be discussed at this time. The need of a standard accounting system in any industry is also surely self-evident and we need not discuss that question either. The need of a standard accounting system for the broadcasting industry has been felt for several years, but it has only been within the past year that this opinion has become sufficiently universal that the Association has believed it possible to accomplish something; and from the 132 questionnaires which have been returned to us, it seems quite probably that a standard system of accounting *is* possible for our industry.

At the meeting of the Commercial Section of our Association held in connection with the convention of the Advertising Federation of America in New York City, I gave a brief talk on the subject "Are You Making a Profit, and How Do You Know?" I am going to take the liberty in this report of covering several points I mentioned in that previous talk. I do not believe that this will be unnecessarily burdensome on you, since probably we have a greater number of station officials who should be interested in this problem present at *this* convention than at the meeting in New York; and since also, the response to this talk in New York was decidedly neutral. Of course, at this New York meeting earlier in the year, the interest was primarily in commercial subjects—in the sale of broadcast time and facilities, and the problems connected therewith. Even though some of the men attending that convention might have been interested otherwise in the accounting phase of station operation, their thoughts at that time were occupied mainly with the commercial details. But, I believe there was another reason also why there was no greater interest shown in the New York meeting in this question of accounting: this reason is that most of us concerned with the management of broadcasting stations are not accountants; we have been forced to spend our time and our efforts in the direction of better equipment, better programs, increased income and so on. The matter of accounting is something that has been left too frequently to possibly a minor employee who quite naturally has not had the broad view of financial statements which would prove of greatest value in management. This is not offered as a criticism in any way whatsoever—I am referring to myself as well as to others in saying that we have not realized the importance of a proper accounting system. It is my hope that the events of the past year or so will arouse in station executives an interest in this phase of our business sufficient to cause us to devote some serious time to the problems involved.

The questionnaires which have been returned show a remarkable uniformity in accounting systems as they exist at the present time. This rather startled us at first, and yet, on second thought, the reason was quite evident: undoubtedly those who have answered this questionnaire promptly and completely are those stations which feel that they have a rather complete accounting system—in other words, they had no hesitation in answering the questionnaire and had sufficient data at their finger tips to answer it intelligently. Without a doubt, those stations which did not answer the questionnaire (in the main, possibly) are those which for one reason or another have not developed an adequate system of accounts. And, certainly those stations are the very ones which need some guidance in setting up an accounting system—and I wouldn't be surprised but what some of those stations are also those which will oppose any standard accounting system. We do not anticipate any opposition from most of those stations which have reported because their systems as outlined on the questionnaire are so nearly uniform that it seems they will have no difficulty whatsoever in accommodating themselves to any reasonable standard system of accounting which is evolved.

I should like to address myself for a moment to those stations (be they large or small) which do not have an adequate accounting system. If I tread on your toes, I apologize in advance. But, if your station falls within this class, please remember that it is your own decision and opinion which puts your station in that class. I have not said that all stations which answered the questionnaire have adequate accounting systems and neither have I said that all stations which have not answered the questionnaire do not have adequate accounting systems. I believe this is true in a number of instances but it is, of course, not universally true.

Our Managing Director Phil Loucks told me of an experience of his recently. He was calling on a station manager and this manager invited him out to lunch. I think that is worth something to Phil. I'll collect later. (Laughter.) Just before leaving the office, one of the station clients came into pay a bill. The station manager jokingly (and probably seriously, too) said that he was certainly glad to get his hands on a little cash. A conversation somewhat like the following ensued.

"I am certainly glad to see you, Mr. Jones. Cash is a welcome sight at any time. What bill did you want to pay?"

"Why, I wanted to pay the bill for those spot announcements you ran for me last week."

"Oh, yes, we did have some on for you, didn't we? That's right. Let's see, how many did you have?"

"Oh, I don't remember. I think we had something like three announcements a day for several days but you remember you gave me a special rate on those announcements."

"Yes, I do remember something about that. Now, what was the rate I gave you?"

"Well, I really can't tell you. All I remember is that you told me this rate was about one-half of what you charged other people."

"That's so. I do remember now. Well, what about five dollars? Is that all right?"

"Sure."

"O. K. and thank you very much. You'd better run some more of those announcements next week."

"I think I will. I'll be in to see you later."

The station manager pocketed the five dollar bill with a sigh of relief—didn't bother to give the client a receipt—and Phil says he's quite positive the manager paid for the lunches out of the same five dollar bill.

Is it any wonder that cash is even a more welcome sight to this man that it is to most of us?

Here is another instance I quoted in New York: I know of one specific instance where the management of a parent company operating a broadcasting station paid very little attention to the monthly and annual reports on costs and operating expenses. As one official expressed it, they were interested only in a weekly report showing the difference between the cash on hand and the accounts payable. Putting the idea in the exact words of this official, he said something like this, "I want to know how much the station owes each week and how much money it has in the bank to meet these bills. As long as the money in the bank exceeds the amount of the bills each week, I'm satisfied." I suppose the attitude of this official was sound, as far as his own personal desire in the matter went. Unfortunately, such figures as he required do not take into consideration the many details in accounting which may be handled one way by a certain station and in an entirely different way by another station; and the result of the use of such an elementary accounting system is the serious handicapping of management, together with a complete inability to regulate expenses, establish budgets and make decisions in the light of conditions as they will exist in the future.

Now, I know, of course, what you're saying to yourself, possibly some of you; you're saying, "Well, what of it? Why should I tell any one what I'm making? Whose business is it if I want to give my time away or leave depreciation out of my figures? Let others tend to their own business and I'll attend to mine!"

Well, possibly we *are* exaggerating a little just to show the opposite attitude from that of the one who thinks all costs and all revenues and all financial statements should be made public. Like all extremes, these views *are* extremes, and probably our true path lies somewhere between.

However, I know of one man who went so far as to say that the refusal of any business to pool its operating costs with another in the same business—for the benefit of the whole industry—was a definite indication that that business had something which they were ashamed to have their competitors know. Another extreme view, possibly!

In many businesses having a much older origin than broadcasting, if the question were asked of a given unit manager, "Are you making a profit?" the answer would be very definitely "yes" or "no." Of course, the man may be lying in giving his answer—but *he* knows. He knows because he is using a system of costs and accounting which has proved to be accurate over a period of years. He knows that when his figures showed a profit, he paid a dividend, and when they indicated a loss, his surplus was reduced. He, furthermore, knows whether, over a period of years, he was able to replace his worn-out equipment as he had planned.

And, this man in another business or industry, in many instances, knows whether or not his cost of production is out of line with that of the average for his line of endeavor. He knows just how

his sales costs compare, how his overhead looks, as compared to the average in his business.

In broadcasting, we have conventions and some serious-minded souls come to talk over their problems and try to get some suggestions for bettering their own stations, based on what others are doing. "How's business?" one asks. And, another answers, "Fine! We've been out of the red for three months!" The questioner possibily isn't out of the red and feels that he has been falling down on the job but he salves his conscience by thinking, "Oh, yeah? I'll bet you have a sweet set of books! I'll bet you never heard of depreciation!"

Well, possibly he's right. Then again, maybe this man is in need of help but can't get it. The trouble is that these two men have no common meeting ground when it comes to finances. Of course, they're both in broadcasting. They can exchange information on rates, on program ideas, on personnel, on organization, on clients and prospects. But, when it comes to costs, each suspects that the other may be telling the truth but not the whole truth.

Surely there must be some means of comparing costs without divulging operation and trade secrets which would be detrimental to individual stations. The answer to the first part of the question "Are you making a profit?" doesn't mean a thing unless the second part is answered "How do you know?" And, what's the use of answering that last part of the question if it is expressed in Greek while the man who asks it understands only Scandinavian?

The Code of Fair Competition for the Radio Broadcasting Industry in Article VI, paragraph 10-b states the following and here I quote: "The Code Authority shall have the power to obtain from members of the industry for the use of the Code Authority, for the administrator in the administration and enforcement of the code, and for the information of the President, reports based on such periods as may be determined by the Code Authority as soon as the necessary readjustment within the industry can be made and to give assistance to members of the industry in improving methods, or in prescribing a uniform system of accounting and reporting. All individual reports shall be kept confidential as to the members of the industry, and only general summaries thereof may be published." That's the end of the quotation.

As you see, the Code Authority has very broad powers in requiring specific reports from broadcasting stations in almost any form that it sees fit to request them. Fortunately for us broadcasters, the Code Authority has requested the National Association of Broadcasters to develop the form in which these cost reports may be submitted. It is this job which the Cost Accounting Committee has undertaken. I would like to call your attention, however, to this belief on my part, which is shared by a number of other men in the broadcasting business—broadcasting stations are going to be required to submit periodic reports including statistical information—and it remains to be seen whether the broadcasters would rather develop the form of these reports themselves or have another agency step in and dictate to them the form in which these reports are to be rendered.

As I stated before, we now have 132 returned questionnaires and undoubtedly this number will be increased within the next few weeks. We have accounting systems used in a number of prominent stations and have at our disposal the services of several highly qualified certified public accountants. From this material and with this help, it is the aim of the Accounting Committee to establish a recommended uniform system of accounting in the very near future, in the hope that any adjustments necessary in individual stations may be accomplished as of the next January 1.

In this connection, I should like to tell you that I have with me here a complete system of accounts for broadcasting stations developed by Mr. R. V. Wilson, a certified public accountant of Cleveland, who, incidentally, handles the accounting for our station. That is how I happen to know him. This system of accounting includes a detailed outline of the exact steps necessary to install this accounting system and also contains copies of every form necessary to the system. Mr. Wilson has worked on this for a period of seven years and recently has made several changes in order to bring it up to date and make it conform with standard procedures and recommendations which have already been developed by the National Association of Broadcasters. He has compiled this data at my personal request and has permitted me to bring it to the convention in case some of you would like to look it over. I regret that there is but one copy of this system available but I shall be glad to have you examine it if you will see me personally after this meeting.

It is the hope of the committee to produce a system which will meet the conditions of the Code Authority and at the same time prove practicable to the broadcasters themselves. The objectives of the Accounting Committee are identical with those of accounting departments in individual stations. They are as follows:

1. To evolve a system which will be sufficiently flexible and adaptable for all stations, regardless of size and regardless of the community in which they operate.
2. To evolve a system which will answer any questions which may be asked by station executives.
3. To evolve a system which will include all costs, regardless of whether or not a particular item is usually placed on the books of the station.
4. To evolve a system which will be based on the same breakdown of accounts so that the Code Authority may obtain figures from all stations which are essentially comparable.

In the past, there are those in this Association who have been prone to criticize our Association and these conventions for appointment of committees of this, that or the other, which committees proceed to have one or two meetings during the year and report back to the next convention with nothing whatever accomplished. In the matter of accounting, we do believe that the committee has made definite progress during the past year, and there are certain very definite reasons why the work has not been completed at the present time. However, in order that this matter may not have to be held over until the next convention, making it necessary then for most stations to wait until January 1, 1936 to make the proper adjustments, the committee feels justified in requesting definite action by this convention at this meeting on the following resolution which I now present:

"Resolved, That the National Association of Broadcasters in convention assembled at Cincinnati, Ohio, on September 18, 1934, does hereby instruct the Cost Accounting Committee appointed by President McCosker to continue its work until completed; that this committee be instructed to complete its work by November 1, 1934, if at all possible; that the Managing Director is hereby instructed to have complete copies of this standard, recommended accounting system prepared and sent to each member station on or before December 1, 1934; and that member stations are hereby requested to make the necessary adjustments in their present accounting system to bring it into conformity with the standard, recommended system as far as they find it practicable."

We earnestly request you to pass this resolution and assure you that the committee will do all in its power to submit a recommended accounting system to the Managing Director not later than November 1. This, then, will make it possible for us to have much greater uniformity in broadcast station accounting effective January 1 than otherwise we would have. It may not, and probably never will be, entirely uniform for all stations, but we believe if this plan is followed, we will at least have made a favorable beginning on this problem, which is at the very foundation of our business.

Before moving the adoption of this resolution, I should like to take this opportunity to thank the committee members for their assistance; to acknowledge the very great help rendered by Mr. Hymen Tash of Washington, D. C. and Mr. R. V. Wilson, certified public accountant of Cleveland; and also to thank the Managing Director and his staff for their usual fine cooperation. (Applause.)

PRESIDENT McCOSKER: Thank you, Mr. Carpenter. I think you have observed that the applause that followed the presentation of your report is a barometer of its acceptance. I'd like to say in passing that I happen to know rather intimately the tremendous amount of energy and time and care and thought and travel and inconvenience that Mr. Carpenter has showered on this job of his. I know of it particularly during the past year so I want to say a personal word of thanks to him.

In connection with the resolution, I am going to suggest that you submit the resolution to the Resolutions Committee to pass on it and submit it in the regular way, due to the fact that it requires a vote. The Credentials Committee, as I understand it, have not checked the membership to know who is and who is not entitled to vote in this particular meeting.

Now, the next feature on the program is in the form, I am given to understand, of what Mr. Quilliam conceives to be the preparation of the sale of a program by a broadcaster and a client.

I hope that Mr. Rosenblatt, who has the habit of facilitating broadcasting and is doing it at this point by deferring to Mr. Quilliam and his associates in order that they may get back to their job at WLW, will not think this is a typical example but burlesque.

("The Advertiser Builds a Program"—arranged by H. J. Quilliam, Fisher's Blend Station, Inc., Seattle, Washington.)

PRESIDENT McCOSKER: I would like to make a correction in my announcement. I announced it as a burlesque—and it is all

too true. (Laughter.) I was expecting every minute to have Father Coughlin go into a eulogy of Morgan. (Laughter.)

I want to express the thanks of the assembled members to Mr. Quilliam for the production, and also say a word of thanks to the staff of WLW, and to Freeman Lang of Los Angeles for the recording.

Mr. Sol A. Rosenblatt is a New York lawyer of outstanding ability in the amusement field who went to Washington a year ago, at great personal and financial sacrifice, as Assistant Deputy Administrator of N.R.A. In quick succession, he was promoted to Deputy Administrator in charge of several amusement industry codes and finally Division Administrator with full supervision over the amusement industries.

Mr. Rosenblatt has graciously accepted an invitation to address this convention and will tell us some of the vagaries of code operation. I had the privilege of knowing and being associated with Mr. Rosenblatt on Broadway and also in Washington, and you will know what I mean when I say that Mr. Rosenblatt didn't change any when he joined official Washington. Mr. Sol A. Rosenblatt. (Applause.)

COORDINATING AMERICA'S AMUSEMENT INDUSTRIES

Address by Sol A. Rosenblatt

(Division Administrator, N. R. A.)

Mr. President, members of the National Association of Broadcasters, ladies and gentlemen: As Division Administrator of the National Recovery Administration in charge of the amusement industries, I have had a particularly gratifying experience in the code making attendant upon those industries and in being made acquainted with the problems of the entire amusement world.

Perhaps, speaking technically and literally, radio broadcasting might not seem properly categoried within the amusement field but by reason of its inter-related problems, for practical administrative purposes, it was embraced therein.

The amusement world of this or any other country is most important. As I stated some time ago before a conclave kindred to this, in good times or bad, in times of peace or war, in the cities or in the countryside, all of us at some time or another have some degree of leisure and we customarily spend a large part of that time enjoying in one form or another the activities of the amusement world. All activities of this world are alive and related. Truly, the problems of the motion picture theatre, the problems of the legitimate theatre, the problems even of the circus or of the radio broadcasting field are kindred problems. Success is one or another of these fields in this world is beyond mere monetary return in that it results in fame and fortune for the successful participant, be he employer or employee.

The difference between the radio broadcasting industry and others in the amusement world at the time of the passage of the National Recovery Act was that in the radio broadcasting field, its activities have been integrated through the medium of the National Association of Broadcasters and it was already used to a degree of governmental regulation whereas in the other fields of the amusement world, the industries concerned were completely disunited and completely disorganized, with the few trade associations existing therein neither all-embracing in their activities nor encompassing within their scope the entire field concerned.

Following the inauguration of President Roosevelt and the inception of his great recovery program, without exception, all industries in the amusement world—and I can not praise too highly in this connection the splendid efforts of the broadcasters—proceeded by every means at their command to loyally support the President and aid every effort of the President. The amusement industries came forward to give by increasing employment and to receive by industrial self-government standards of fair competition no sooner than the N.R.A. had become a law. If any of you were in Washington and witnessed the tremendous surge of American business men to the capital and listened to the serious discussions, you will realize precisely what I mean.

Now, an N.R.A. administrator is neither a dictator nor a tyrant, nor, on the other hand, is he either an advocate or a demagogue. In any event, he is surely not infallible even when his work on codes is continuous. And so, from all the toil and travail, the logical and illogical argument, the separation of grave and important problems from the unimportant, codes were finally born in the amusement world.

You should all know by this time that the consuming public of this country knows exactly what it wants, particularly so far as the amusement world is concerned. It will no more listen to an undignified or unacceptable radio broadcast than it will attend and thereby make a financial success of an unworthy play or motion picture production. "The public be pleased" is still the single standard goal in the amusement world. A leader in the motion picture industry once said to me, "There is nothing wrong in the motion picture business which good pictures cannot cure." A leader in the legitimate theatre said that the best answer to a closed playhouse is a worthwhile play. I take it for granted you can neither secure payment for advertising nor retain the interest of the public in your broadcasting unless you can deliver an interesting and acceptable broadcast.

The first kindred problem, therefore, in the amusement world is that of attracting the patron and the listener. In that respect, the members of the industry themselves must direct the signposts and observe the rules of their own game.

The threatened alternative to effective self-regulation in all of these amusement industries is censorship and on that subject, I would prefer to say extremely little except to comment that censorship as such, within my experience in the amusement world, is not an efficacious remedy. So far as radio broadcasting is concerned, I believe this industry is deserving of tribute and I feel that its efforts to strengthen the already high standards of its broadcasting must be commended by any fair and impartial person.

The other general problems confronting all basic industries are equally present in the radio broadcasting field as well as the motion picture field and other similar fields. One encounters in the amusement world the same organizations of labor throughout, the actors and the writers, the stagehands and the electricians are with us, with the manifold and vexing problems they present. But, I must say so far as my personal experience, that I have secured great cooperation from labor in peaceful and orderly attempts to settle any difficulties that might arise between them and their employers. It is my experience that the value of cooperation from outstanding laborites can not be overestimated.

At the same time, the invaluable cooperation given by employers, on their part, to help and safeguard labor from unrest is highly commendable.

You will find that in the radio broadcasting code, as well as in the other codes, the most sincere and honest efforts have been made not only by the government but also by the industry itself to preserve and safeguard the rights of small or independent enterprises. Now, when I use the term "small or independent enterprises," I do not mean inefficiency. Man cannot solve the problems of the inefficient operator, whether in radio or any other field; time alone solves his problems. But, bona fide small or independent efficient enterprises will find that trade practice provisions in their code, making for fair competition, aid in stabilizing efficient methods of operation and are designed to prevent retrogression into even semi-efficiency. And, while I am on the subject of small enterprises, may I direct your attention to the eminently fair and honorable group of men who constitute your Code Authority. Your Code Authority Chairman, John Shepard, is one who ranks second to none in reputation for integrity and fair dealing. (Applause.)

Your Code Director, Mr. James Baldwin, has proved his sterling qualities in his difficult job and to my personal knowledge, has done it without fear or favor. (Applause.)

And, at this time and on this occasion, I would indeed be remiss in honoring unselfish and efficient service to an industry if I did not here pause to tell you how invaluable to this industry and outside of the National Association of Broadcasters have been the untiring efforts and effective direction of your own Phil Loucks. (Applause.)

It is the presence of men such as I have mentioned with those others of your leaders upon the Code Authority and in the councils of your Association, who guarantee a square deal in this industry. (Applause.)

Similarly, with the other codes in the amusement world, the men who sit as members of those code authorities are in themselves the greatest guarantee that the codes are not designed to oppress the small or independent member in their operation. (Applause.)

In the laboratory of N.R.A., several hundreds of codes have been produced. In their production not only the members of the particular industry affected participated but also labor, industry generally and the consuming public. Now, most people in the United States have some sort of a notion that when an industry has a code, all of the steps for the recovery program to work in that industry have been accomplished. People have the same feeling about any particular matter as soon as any legislature

enacts a law. But, nothing could he farther from the truth in this respect.

As you know, when you undertake an experiment, only the first step has heen taken. The laboratory experiment, even though successful, may not be commercially practical; the miniature drawing may not he possihle of enlargement into the great planned structure. Alloyed metals may, under stress and test, yield faulty defects. And so it is with any code. An industry which has voluntarily acceded to a code, which has gladly yielded as the radio hroadcasting industry has done, millions of dollars of the payrolls of the country, may nevertheless discover that still more remains to be done in order to effectuate the purposes originally undertaken.

The heauty of the N.R.A. to me has heen its complete flexibility. The codes which have heen written under this act likewise possess the same flexibility. The administration of the N.R.A., which the President has entrusted to General Johnson, has similarly proved that it is capahle of great flexihility. The acts of the code administration present a scientific approach to industrial problems because of the very fact that they are not confined or limited, hound or circumscribed but rather are capable of expansion or retraction, enlargement or diminution. And so, with the radio industry code, or any of the hundreds of other codes you may name, they are like the ingredients in a test tube whose reaction is constantly predicted hy the chemist who knows what those ingredients should produce when mixed but who is watching the progress of the experiment so as to determine what adjustments have to he made in those ingredients in order to achieve that result. If these code provisions do not at once accomplish the end for which they are intended, appropriate changes can he and will he effectively made.

I believe that this code marks an advance made by this industry in coordinating the activities of chain and individual divisions by an honest and sincere effort to replace with harmony and cooperation. No sane person in these United States possessed of any knowledge whatsoever concerning this industry will challenge the ideals and purposes which the government confidently expects to be realized in the efficient and scientific working of this code. All that I have said concerning the radio hroadcasting code applies to the related amusement world codes. From coordinating the industries under the amusements codes, the next and logical procedure is to work out coordination hetween those industries. I am sure this will come to pass.

Radio hroadcasting activities have rendered yeoman service to our nation through these trouhlesome times. The voice of radio has invigorated our people in their determination that we can and must go forward. The N.R.A. is determined to go forward in its great work under the guidance and leadership of President Roosevelt. It cannot he swayed nor deterred from its purpose by innuendoes and aspersions cast upon the honesty and sincerity of its motives. (Applause.)

The codes are not infallihle, and just as scientists watch experiments for successful completion, so the President regards the codes in order that industrial peace in greater measure may be hrought forth and that all members of this as well as any other industry may receive the henefits intended to be derived from the codes of fair competition.

The recovery administration cannot he threatened or coerced hy those self-styled leaders of industry whose fundamental purpose is to harrass and destroy rather than put their shoulders to the wheel and help and cooperate. No successful industrial experiment can he accomplished hy actions tending to destroy the welfare of the overwhelming majority of the industry.

When this nation realizes that the hundreds of codes of fair competition, including the radio hroadcasting code, now enjoyed hy the industries of the country, bear the voluntary acquiescence of the overwhelming majority of every one of these industries affected, then this nation must recognize these codes and the economic bases on which they rest are meant for good and must achieve constructive ends.

I do not helieve that our people yet understand that these industry codes, in the preparation of which industry, lahor and the consuming puhlic are represented, are entirely voluntary and that they are not enacted into law without the free consent of the memhers of the industry. This much desired understanding is spreading, however, and with its complete realization, our nation will march on to an era of good feeling and peace, industrially speaking, heretofore undreamed of in history.

In conclusion, let me earnestly emphasize that the philosophy of the N.R.A. was horn of the deep thought and profound study, the sane ohservation and clear experience, which its drafters brought to it in its preparation, which Congress gave to it in its enactment and which the President stamped upon it with his approving signature. Therefore, I say to you that the radio hroadcasting code, the motion picture industry code and all the other codes enacted into law under the Act, are entitled to the sympathetic and scientific reaction and cooperation of our people in order that the aims and aspirations of the President's recovery program may be accomplished and, finally, in order that our people may hereafter be saved and safeguarded from the dire calamities which have overtaken us in the past and from the mire of which we are now struggling to escape.

I thank you. (Applause.)

PRESIDENT McCOSKER: Mr. Rosenhlatt, I feel I echo the sentiment of the assembled members in expressing appreciation for the forceful address on the codes and with particular reference to the broadcasting code. I want to say a special word of thanks for the complimentary comments you made and particularly for interfering with your busy life at Washington to come here. I happen to know it was a considerahle inconvenience.

The next item on the program is the report of the Commercial Committee by Mr. Arthur B. Church of the Midland Broadcasting Company, Kansas City, Missouri.

Vice President Shepard took the chair.

REPORT OF COMMERCIAL COMMITTEE

ARTHUR B. CHURCH, Chairman

(KMBC, Kansas City)

Your Commercial Committee—generally known, perhaps hecause of the large numher of memhers, as the commercial section—believes that the convention is far more interested in what it has actually accomplished in the way of definite recommendations to the industry than in a long report of its meetings and activities during the past year. The report preceding these recommendations will, therefore, he hrief.

The annual meeting of the NAB Commercial Section was held at New York, June 19 and 20, in collahoration with the annual convention of the American Federation of Advertisers, following a custom established several years ago. It was attended by the largest numher of committee memhers, agency men and others allied with hroadcasting and with advertising ever thus far assemhled to consider the prohlems of commercial hroadcasting. The educational aspects of this type meeting can hardly he overemphasized. The discussions in connection with the various papers and and addresses were unusually active and interesting, and indicated an intense desire on the part of all to learn how to most effectively use this great advertising medium.

The complete program follows, but will not he read at this time.

NATIONAL ASSOCIATION OF BROADCASTERS

HOTEL PENNSYLVANIA

NEW YORK, N. Y.

Tuesday, June 19, 1934

10:00 A. M.

Opcn Meeting:

1. "What We Have Learned Ahout Station Coverage."
   By C. M. Jansky, Consulting Radio Engineer, Washington, D. C.
2. "Studying Listener Hahits."
   By Walter J. Damm, Manager, Station, WTMJ, Milwaukee, Wisconsin.
   Paper read and discussion of papers hy Mr. Damm and Mr. Jansky led by Martin B. Camphell, General Manager, Station WFAA, Dallas, Texas.
3. "The Present Trend of Station Relations with Advertising Agencies."
   By Roy L. Harlow, Assistant to the President of the Yankee Network, Boston, Massachusetts.
4. "Merchandising Practice."
   By Irwin Gross, Wharton School of Finance and Commerce, suhstituting for Harry Howlett (deceased), Station WHK, Cleveland, Ohio.

1:00 P. M.

Luncheon meeting of memhers of Radio Committee of American Association of Advertising Agencies and Commercial Committee of the National Association of Broadcasters.

3:00 P. M.

Commercial Committee of National Association of Broadcasters meets in Executive Session.

Wednesday, June 20

10:00 A. M.

Open Meeting:

1. "Making a Program Work."
   By Francis D. Bowman, Advertising Manager of the Carborundum Co.
2. "The Market for Radio Advertising."
   By Dr. Herman S. Hettinger, Wharton School of Finance and Commerce, University of Pennsylvania, Philadelphia, Pennsylvania.
3. "Pertinent Problems in Radio Sales."
   By Leslie Fox, Station WMCA, New York, N. Y.
4. "Standardizing Units of Sale and Rates Practices."
   By I. R. Lounsberry, Manager, Buffalo Broadcasting Corporation, Buffalo, N. Y.
5. "Are You Making a Profit and How Do You Know?"
   By H. K. Carpenter, Manager, Station WPTF, Raleigh, North Carolina, and Chairman of Cost Accounting Committee of the National Association of Broadcasters.
6. "Solving Relations of the Station and the Network."
   By John Patt, President, Station WGAR, Cleveland, Ohio.

Executive Session of Commercial Section immediately following open meeting, to complete business.

Inasmuch as the majority of committee members (a complete list of members is appended to this report) appointed by the Association President for this year were also on last year's committee, most of the sub-committees and their chairmen were also continued. One of such men, John Patt, completed a very thorough study and presented to the June meeting a most interesting report on problems arising from station relations with networks. The Commercial Committee resolved to furnish the officials of the several networks copies of the report (which was done) with the request (I now quote from the report) "that they take steps to harmonize network and affiliated station trade practices." The time between that meeting and the convention has been so short that little further progress has been made. However, it is hoped that these problems will receive the attention of next year's committee.

Since the opening of this convention, your committee has had two well attended meetings and has prepared several resolutions containing vitally important recommendations for your consideration. Mr. Benson, President of the Four A's, and Charles Gannon of the Four A's Radio Committee were kind enough to meet with us Sunday at our invitation and were especially helpful in the discussions involving two of our most important resolutions. I wish to take this opportunity to thank these men for their assistance and interest, also your Managing Director, Phil Loucks, without whose advice and help this committee would have been at serious loss. I have never seen a more willing, enthusiastic group of men serving on any committee, and I can assure you that on your Commercial Committee during the past year I have had every bit of cooperation any chairman could ask for, so that any failure to take full advantage of the opportunities and responsibilities the committee affords has been due to my own lack of ability to capitalize on these men's capacity and willingness.

If I felt that time permitted, I would have liked to discuss various problems which challenge next year's Commercial Committee. Among these problems are those incident to medical and certain other types of advertising, the commercial copy angles of which should certainly receive much attention by this committee.

In closing this report, I offer you the following resolutions adopted by the Commercial Committee for your consideration and such action as the convention feels should be taken. I feel sure that movers of these resolutions and other members of the committee will gladly try to answer your questions.

I shall read all of the resolutions and The Chair will then perhaps wish to have their consideration separately.

Incidentally, all of the resolutions I have here will contain the names of the mover and seconder. The resolutions were adopted by the Commercial Committee.

"Resolved: That the President of the National Association of Broadcasters shall direct the Chairman of the Commercial Section to appoint a committee of five to study what is pertinent information for the advertising agencies and the advertisers who are the buyers of radio advertising, and to invite discussions with representatives of the American Association of Advertising Agencies and the Association of National Advertisers with a view to setting up a bureau for the broadcasting industry, such committee to report with recommendations to the Board of Directors for action as quickly as possible.

"Moved by Leslie Fox.
"Seconded by Martin Campbell.
"Adopted by the Commercial Committee September 17, 1934."

"WHEREAS, There is a need in the broadcasting industry for further standardization of units of sale and rate card practices, therefore

"Be It Resolved: That the NAB approve the following recommendations to the members and to the industry:

1. It is recommended to standardize units of sale as follows: one hour, one half hour, quarter hour, five minutes, one minute transcriptions, 100 words, half minute transcriptions, 50 words or less.
2. It is recommended that all quantity discounts shall be given within a period of one year with discounts retroactive to the first broadcast within that year, and discounts shall apply within the same time classifications.
3. It is recommended that operating companies or holding companies operating more than one subsidiary (such as General Motors) shall be permitted to buy under a group plan allowing discounts for each of the separate companies under a blanket order to apply even if more than one agency is involved in placing time.
4. It is recommended that all stations put on their rate cards, in addition to the regular standard units of time, under a separate heading called "special service features," such features as time signals, weather reports, sports events, participation programs and any other service features, with an adequate description of what the individuals station allows.
5. It is recommended that no station quote quantity discounts on consecutive times other than 13, 26, 52, 100, 150 and 300.

"Moved by I. R. Lounsberry.
"Seconded by H. K. Carpenter.
"Adopted by the Commercial Committee June 20, 1934."

"Resolved: That the National Association of Broadcasters recommend to all broadcasting stations the use of standard time exclusively for all radio programs.

"Moved by J. O. Maland.
"Seconded by Leslie Fox.
"Adopted by the Commercial Committee September 17, 1934."

"Be It Resolved: By the NAB in convention assembled, that an agency recognition bureau be established and maintained at the Washington office of the Association; that such machinery as may be necessary be set up by the Managing Director, with such funds as may be deemed necessary and approved by the Board of Directors as a part of the regular annual budget; that, in general, agency recognition be extended to only those agencies which can satisfy the bureau as to credit responsibility, character of operation and radio service facilities; that said bureau be given full power to study applications of agencies for such recognition and to determine whether or not such recognition should be extended, subject to the approval of the Board of Directors; and, that the bureau furnish a list of those agencies which are extended recognition, together with all supplements thereof, with the strong recommendation of the NAB that its members pay agency commission only to those advertising agencies extended recognition by the NAB bureau.

"Moved by John Patt.
"Seconded by Charles Myers.
"Adopted by the Commercial Committee, September 17, 1934."

"WHEREAS, The Code Authority regulations permit the granting of special rates with the only proviso that these rates be filed with the Code Authority, and

"WHEREAS, It is the belief of the Commercial Committee that such special rates may be used as a means of making concessions contrary to the intent of stabilized rates provision of the code,

"Be It Therefore Resolved: That the NAB petition the Code Authority to take steps to amend and clarify or to repeal its regulations permitting this practice.

"Moved by Leslie Fox.
"Seconded by Nathan Lord.
"Adopted by the Commercial Committee, September 17, 1934."

"Resolved: That the Commercial Committee ask the NAB convention to reaffirm the resolution passed at last year's convention referring to elimination of announcements for electrical transcriptions produced especially for broadcasting and that the convention Resolutions Committee draft an appropriate resolution for this purpose to be transmitted to the Federal Communications Commission.
"Moved by Leslie Fox.
"Seconded by I. R. Lounsberry.
"Adopted by the Commercial Committee, September 17, 1934."

"WHEREAS, The Commercial Committee of the NAB recognizes that merchandising of radio programs and assistance in merchandising of the products of advertisers stimulates the use of broadcasting as an advertising medium and enhances the value of the medium, it, therefore, urges the fullest possible cooperation in merchandising with its advertisers as is consistent with good business practices; however, since the merchandising requirements of advertisers are wholly lacking in uniformity, the committee recommends in fairness to all advertisers that the cooperation of the stations be limited to such activities as do not entail direct expense is involved such costs be borne by the advertisers.
"Moved by William Hedges.
"Seconded by John Patt.
"Adopted by the Commercial Committee, September 17, 1934."
(Applause.)

CHAIRMAN SHEPARD: I am sure everybody here greatly appreciates your report, Mr. Church, and I think that the whole membership is deeply indebted to you and your committee.

In regard to the resolutions, will you turn those over to the Resolutions Committee to be presented with all the other resolutions at tomorrow's meeting?

I understand from Mr. Church that there is one resolution Mr. Benson wishes to speak on.

MR. CHURCH: There is one resolution we invited Mr. Benson to speak on if he wished to and he stayed over this morning at our request. While Mr. Benson is coming up, perhaps I should read the resolution to which we refer.

"Resolved, That the President of the National Association of Broadcasters shall direct the Chairman of the Commercial Section to appoint a committee of five to study what is pertinent information for the advertising agencies and the advertisers who are the buyers of radio advertising, and to invite discussions with representatives of the American Association of Advertising Agencies and the Association of National Advertisers with a view to setting up a bureau for the broadcasting industry, such committee to report with recommendations to the Board of Directors for action as quickly as possible."

CHAIRMAN SHEPARD: I think you all know Mr. Benson of the Four A's, so, without further ado, Mr. Benson.

REMARKS BY JOHN BENSON

(President, American Association of Advertising Agencies)

Mr. Chairman and gentlemen of the convention: the advertising agencies are deeply interested in seeing the radio medium equipped to give advertisers reliable and authenticated information of the service they can render and thus put this medium on a par with the other two major media, namely, publications and outdoor.

Now, you are all familiar with the ABC which was established fifteen or twenty years ago to measure quantity of circulation of newspapers, magazines and trade papers. That movement came into being to take the place of a flood of individual statements of circulation by publishers and surveys made by them which didn't command confidence because they became naturally competitive and highly partisan and while the facts presented might literally be true, they were often arranged in some pleasing perspective to give a favorable picture and to soft pedal the soft spots so that advertisers and agencies lost faith in these surveys, however carefully and honestly made.

Now, I might say with truthfulness that I think this movement of the ABC gave tremendous impetus to the use of publications in advertising because the advertiser knew what he was getting and had faith in the report.

Very recently a similar audit has been established in the outdoor field under the joint sponsorship of advertisers, advertising agencies and panel owners. This audit measures the service to the advertiser according to a yardstick scientifically determined in advance, and advertising agencies and publishers have been cooperating for two or three years in arriving at this yardstick under the leadership of Dr. McClintock of the Erskine Foundation at Harvard who made a wide study of the relation of outdoor traffic passing location.

Now, that audit in the outdoor field not only validates each individual panel audit but also the methods used in arriving at it, and it gives not only the gross circulation per panel but also the net effective circulation based upon location of each panel, and length of approach by pedestrians and motorists. Of course, audits of this sort command confidence. They are accepted at face value. And, a very interesting benefit has resulted in revealing to the panel owner his weakness in comparison with others and, of course, improvement resulted, more value to the advertiser was given and more pay to the panel owner.

Now, gentlemen, with these two major competing media equipped to give the advertiser reliable and authenticated audits of their service, I wonder if the radio medium can afford to be without it.

As you know, there are two kinds of studies to be made in your field, the signal strength measurement and checking of listener habits. The first is indispensable, in my opinion, to any scientific delineation of coverage, not merely to the advertisers who want to know how programs are clicking but to the stations who are deeply interested in how the audience reacts to broadcasts they make.

Some stations have had signal strength measurements made and have published maps of primary and secondary coverage. They are useful to us and to the station but they are few in number. More of them must be made to do the industry any substantial good.

In the listener habit field, studies have been made for the last three or four years by the so-called CAB sponsored by the Four A's and the Association of National Advertisers. That is experimental. It is a pioneer movement and, naturally, it developed some weaknesses which I think can be corrected. The so-called recall method of checking listeners in the field by telephone has its drawbacks as it is at present being conducted. The results are only approximate, not accurate enough, in my opinion, to give more than a trend of program popularity. It is very important, I believe, that that method be thoroughly tested in comparison with other methods, for instance, the so-called coincidental method of checking over a wide enough period and area to determine which method should be used, or any other.

Another handicap to the CAB is that it is limited to agencies and advertisers. That should be expanded to the broadcasting industry. The CAB, I might say in advance, lacks the funds, although fairly well supported by these subscribers, to make the tests properly in the field and properly expand field work to get a proper sample, especially in the larger centers.

You broadcasters, I know, spend considerable money in making surveys of your own but they lack the stamp of joint approval of the industry and so are discounted by agencies and their clients. Why not divert some of that money to supporting a joint undertaking like the ABC?

There are some stations who feel like participating in a joint undertaking of this sort and have approached us on the subject involving both signal strength measurements and listener habits. I am wondering whether the time has come for the National Association of Broadcasters to organize this movement on a national scale.

Now, it might be desirable to have the listener habits undertaken separate from the determination of the signal strength or it might be well to combine them, either now or hereafter, and that is for the industry itself to decide. As matters stand today, the ABC measures quantity of circulation only. Its auto traffic bureau in the outdoor field goes a step farther and measures net effective value of circulation. The radio industry, by combining the signal strength measurements and listener habit studies, would go even a step farther and register the actual listening audience. Now, that would be a far more significant registration than anything obtained as yet in the other two fields.

The question arises, and I hear it asked now and then, "Why should radio give to the advertisers a reliable audit of the listener audience when the publications do not give a similar audit of the reading audience?" I think the answer is that radio is different—that there is no other subscription other than the ownership of a set within listening radius of a station. The owner of the set may be within the primary coverage of the station and still not be

tuned to that station and hence the owner entirely precluded from hearing any broadcasts over it. For this reason the advertiser feels he ought to know not only the potential coverage but have some registration of the actual listening audience in order to get actual circulation.

Then I think we should bear in mind that if the radio medium would give that kind of information to the advertiser, it would be a distinct advantage over the other two fields in bidding for the advertiser's dollar.

So, I feel very strongly this resolution presented to this body is very well put and very timely in recommending the formation of a committee of broadcasters to meet with the Four A's and the A.N.A., or perhaps with the governing board of the CAB which is composed of both, to consider what kind of information the advertiser needs to make effective use of this medium, and also take steps, if it seems feasible, to establish a joint undertaking to give to the advertiser such data.

I think that is of extreme importance to your medium. I think it would put it on a new plane of scientific determination of value, and I believe it would have a decided influence of economy of sales effort in the future because when advertisers in a limited medium like outdoor and radio have reliable data as to the various stations employed and plants, there isn't nearly the need for sales effort to sell that. That doesn't mean you don't need to have representatives but about eight per cent of the effort might be saved. And so I am very anxious, as spokesman representing the advertising agencies and I believe the advertisers, in seeing this undertaking put through. (Applause.)

CHAIRMAN SHEPARD: Thank you very much, Mr. Benson, particularly for staying over that we might have the benefit of your suggestions in regard to that resolution.

You will remember on the call for the meeting, that all suggestions for resolutions were to be presented in writing. Therefore, I am asked to announce that all suggestions for resolutions on which action is desired by the convention should be given in writing to the Chairman of the Resolutions Committee, Henry Bellows, not later than 12:00 o'clock tomorrow, Wednesday, noon.

SEPTEMBER 18, 1934

Tuesday Afternoon

The meeting convened at 2:20 o'clock, President McCosker presiding.

PRESIDENT McCOSKER: Ladies and gentlemen, I wish at this time to declare open the fourth session of the twelfth annual convention of the NAB.

The first feature on the program is presented with the intriguing title "It's Up To You," by Col. Thad H. Brown, Vice Chairman of the Broadcast Division, Federal Communications Commission.

Not long ago I met a friend of mine who had been a bit recalcitrant in connection with the present administration. I asked him, "What do you think of the New Deal now?" He said, "I begin to think it is pretty good. You notice they have sponsored Colonel Brown on the Federal Communications Commission!"

I think it is only justice to say that Colonel Brown has functioned with experience, sympathy and great intelligence, and I think from his administration of the past, we who know him, know the plan, know the kind of man he is, can be sanguine and feel that will characterize his administration of the future, so that it is with very great pleasure and distinction that I present your friend and my friend, Col. Thad H. Brown.

(The convention arose and applauded.)

IT'S UP TO YOU

Address by Hon. Thad H. Brown

(Vice-Chairman, Broadcast Division, Federal Communications Commission)

Mr. President, I note on the official program that my speech was given at 2:00 a.m.—this morning—but for the benefit of the very few who retired before that speech was given, I shall repeat it at this time. (Laughter.)

I deem it a privilege and pleasure to greet the officers, directors and members of the National Association of Broadcasters at their annual convention in my own state of Ohio. In 1930 it was my privilege to speak to you at your annual convention in Cleveland. In the short period of four years, great strides have been made by your organization and in the broadcast field generally. When you met at Cleveland, there were forty-two members in your organization; now there are three hundred sixty-five.

If we were to measure the advances made by radio and the broadcasting industry in the past four years, we would undoubtedly discover as much and perhaps more sound progress than in any other line of commercial endeavor. The growth of the radio industry and its allied arts has been meteoric—almost fantastic. To assure the continuance of this growth and the rational direction of its energies is the immediate problem of the broadcasters here assembled in national convention.

Until the development of the radio and the telegraph and other kindred forms of electrical communication, all forms were inseparably linked with transportation. Thus it was that a message could go no faster than a man because he was the agency to carry the message. Students of communication systems tell us that smoke signals, beacons, semaphores, carrier pigeons, steam and sail boats, locomotive, horse and man have been used. All these were associated with slow-moving physical media. It is a far cry from this early type of communication to the present day use of radio wherein waves travel at the speed of light, moving 186,000 miles per second.

Now, control of the various types of communication presents itself as the greatest single problem facing those engaged in that field. The Managing Director of your Association in a recent issue of "Broadcasting" said that "the line of demarcation between necessary federal regulation and essential freedom will be definitely drawn as the program for the three-day convention unfolds." Those engaged in the communications field admit that some form of control, either from within or without the industry, is of paramount importance to perpetuate existing benefits.

The need for control is to be found in the nature of the art itself, narrowing down the discussion of control to broadcasting, we find that the need becomes even more acute because of the restricted limits of our scientific discoveries to date. We have not yet been able to obtain unlimited facilities for broadcasting. Instead, we find that the spectrum is very limited. Such a situation, really an emergency as it proved to be in 1927, gave rise to early control of radio by Congress. Today the question facing us is whether future and further control shall be the problem of Congress or of the broadcasting industry itself.

The highly developed communication systems of the Romans, the Incas and Kublai Khan all provide good illustrations of the need for control in this field. In one sense these early systems are the ancestors of our present day communications and in another sense they are not. They are the ancestors in that they were the early beginnings of communications systems. They are definitely not the ancestors in that these early systems, as history undeniably proves, were an essential part of the machinery by which a small ruling class kept large populations in subjection. These systems were largely maintained to provide dissemination of military and political news so that the conquerors of these nations could maintain their power over large numbers of the people. But our American systems of communication must be kept unalterably free, not allowed to fall into the control of any class or creed or party. They must and will be administered, as in the past, so that large populations may know themselves by constant and easy inter-communication, thereby improving their ability to govern themselves. This policy tends unquestionably towards equalization of opportunity. It lifts communications to the heights so that they become one of democracy's greatest agencies.

Selfish rulers have always tried to control communications. The early conquerors controlled their special messengers and, through them, the messages which they bore. Queen Elizabeth prohibited the carriage of letters abroad except by the master of the poste because she wanted to be able to censor all foreign communication. Cromwell later applied the same idea to all England. Is it any wonder that such control prompts the statement that "the law of nature is not that tyrants make tyranny, but that tyranny makes tyrants"? In autocracies and dictatorships, control of the posts, the press and all systems of communication has always been the first step taken.

But such control is abhorrent to the finest of American instincts. Our press is free of censorship. Its strongest cenorship, it is freely admitted, is native in the press itself, promoted by a rigid and exemplary enforcement of its fairly drawn and rigidly enforced code of ethics. Telephone and telegraph have not been throttled by censorship. The question of censorship of radio has never seriously been a question at all. The President has publicly declared that no such thought of censorship of radio, press or any other form of communication has ever been contemplated in any state of the recovery program. Radio need have no fears of drastic control. It has been repeatedly stated by the Federal Communications Commission that its progress has in mind only measures to accomplish the greatest good for the largest number.

A few rugged, hard working scientists—Benjamin Franklin among them—began the discovery of electricity and its present day uses in the communications field. These early discoveries have been the basis for all our modern progress. The essential features of electrical communications were from a surprisingly few sources. Michael Faraday, one of the most distinguished members of the Royal Society of London, and Joseph Henry, a school teacher in a small academy in Albany, New York, each without the knowledge of the other, contributed the scientific knowledge necessary for the invention of the telegraph and other means of electrical communication. Electric waves, predicted mathematically by Maxwell in 1865, produced experimentally by Hertz in 1888 and adapted to commercial uses by Marconi in 1895, provide the most direct use of electricity in communications. Radio waves, properly the predecessors of wire communication, but actually discovered later, bring this nation—indeed, the whole world—together with a constantly changing but ever present web of words. With such a broad concept, actual, not visionary, of the broadcasting field today, how can you be otherwise but awed at the gravity of the responsibility for public service which is yours as individual broadcasters and as a group such as this?

Imagine, for a moment, the change in history that would probably have occurred if radio had been discovered sooner than it was. Consider the blunders occasioned by poor communications in our own nation. With radio there would have been no War of 1812, for did not the exchange of letters from Great Britain and the United States, which would have prevented the war, pass on the high seas? Was not the greatest battle of that war fought at New Orleans on January 8, 1815, when actually the peace which concluded the war had been signed on December 24, 1814? Would not radio have made impossible the bitter losses to government credit when, during the administration of Jefferson, Hamilton touched the dead corpse of credit by having the United States agree to pay, at par, the obligations of the Continental Congress and the obligations of the several states, by broadcasting this news to all the people before clever tricksters had bought up the paper money at two and five shillings from uninformed citizens who knew nothing of the government's action?

Can any one estimate the effect which an earlier discovery of radio might have had in revolutionizing commerce? Or, in future wars? In this connection, Sir Norman Angell, writing on "Radio and Peace" in "World Radio," reminds us that radio could be used to allow nations to speak to one another before any "pouncing" with airplanes is done in the next war!

Arthur W. Page, in an article on "Social Aspects of Communication Development," holds that communication facilities are the natural tools of democracy. "It is idle to speculate to what extent they have increased democracy, but they have come with it and are a natural part of it. Knowledge is power," he continues, "and the control of knowledge is likewise power. The control of communications, and, therefore, of the knowledge of certain specific events, is a very important element of power. If that is in the hands of a few, autocracy is inevitable. If it is in the hands of many, democracy is possible. The wide use of public communication is a symptom of democracy, and those countries which are democratic in their social, political and economic structure use the tools of communication to the greatest extent," he concludes.

Control over broadcasting takes various forms in other countries. Belgium has vested control over all programs in the Belgian National Broadcasting Institute, which consists of a representative of the Postmaster General, a chairman and nine members of the Senate and Chamber of Deputies, chosen by the King. Great Britain has a public corporation—British Broadcasting Corporation—created by royal charter, which builds and operates British stations. In Italy the right to broadcast is a government monopoly. Japan has a broadcasting company which controls and operates the whole service of the country. Switzerland granted exclusive license to a central organization. Similar governmental control, if not ownership, is exercised in other European and South American countries.

Financing of broadcasting takes various forms in other countries also. Thirty-four leading nations all have sources of radio revenue derived from radio listeners either partially or wholly. Only Chile, Cuba, Luxemburg, Mexico, Uruguay and the United States can afford the luxury of "free broadcasts." Thirteen nations have eliminated all advertising and many others divide the burden between the listener and the advertiser as newspapers and magazines now do. Thus have the 1500 broadcasting stations in the world diversified their methods of operation. Thus have their governments diversified their methods of control.

Broadcasting in the United States has been singularly free from bothersome control or censorship. It has been allowed an unusual degree of liberty, judged by any standard or compared with any other nation. What kind of liberty have broadcasters enjoyed? The kind of liberty which Leo XIII described in his "Imortale Dei" as follows: "That liberty is truly genuine which, in regard to the individual, does not allow him to become the slave of error or passion, the worst of all masters." Goethe, the great German poet, has aptly expressed the present status of liberty enjoyed by the American broadcaster when he said that "Liberty is freedom to do the right!"

Control of broadcasting can be either from within or without. These are the only two possibilities. I submit to you sincerely and frankly that it is not the desire of the Commission to take from the broadcaster the right to control his activities. Instead, it is our steadfast desire to vest in the broadcaster all powers of control properly belonging to him. It is rightly your job and you are the ones properly qualified to do the job of directing broadcasting for the benefit of and to protect the rights of the millions of American listeners. You have this excellent association of broadcasters to exercise and supervise measures of control. You have your code of ethics and your code of fair competition and every possible facility for bringing to the broadcasting industry reforms, whatever they may be, from within rather than from without. You are able to keep in close touch with the pulse of the radio-listening public. You, better than any one else, should be equipped to stimulate and satisfy listener interest—and not alone for the benefit of the public, I remind you, but for your own financial and economic well-being. No industry and no group could have greater incentive to accomplish real progress in radio control. Truly you have abundant inspiration for such an undertaking. You have the opportunity to make your own control of broadcast activities so successful that there could be no thought or hint of governmental control.

In the opinion of James Sorty, writing in "The Nation," the choice today is roughly between some form of government ownership and operation, with a partial or total elimination of advertising and a "rationalization" of the present American system of privately owned and operated stations, with heavy participation of government in both ownership and control. Manifestly, the desired result can be obtained through a rationalization of our so-called American system. Such a policy would react to the benefit of all concerned. Broadcasters should and will, in my opinion, take the initiative in accomplishing this "rationalization." They are the ones to institute reforms in selection and amount of advertising material used on commercial programs. They are the ones to work constantly and tirelessly for higher type programs, to eliminate objectionable remarks, suggestive lyrics and crude comedy from the radio. If they fail in this, then government, to protect the interests of the public, will be forced to find some way to accomplish the desired result.

The call for further control of radio is not from within the government itself but from a host of outside representative groups and organizations. The American Bar Association, at its recent meeting in Milwaukee, devoted a major portion of its considerations to the communications field. Perhaps that is because of the inestimable importance of the field. Radio, like the newspaper, is preacher, teacher, father counselor, entertainer, informer and helper. Every day it starts the cycle, banks the fire, winds the clock and puts out the cat. The waking hours of millions of Americans are clocked to the tempo of the radio. Some one has said that radio is a strange mixture—part show business, part newspaper, with a dash of the schoolmaster and an overdose of house-to-house peddler!

The radio, however, is primarily an educational tool. Its use for educational endeavors in mass groups can not be neglected. Radio must take its place along with other educational facilities in advancing our standards of education. Evidently radio is playing some part in this fine work, for substantial progress is being made, and within recent years the progress has been more marked. Anne O'Hare McCormack, in a recent article in the New York Times, said that in a public library of an Ohio town, the librarian told her that the change in the reading habits of a typical community in the past two years indicated a rise of about eight grades in age and intelligence. What part did radio play in that progress? How much greater a part could it have played? Or, how much greater progress could it have achieved?

Radio and its relations with the press should be given consideration also with mutual cooperation as the ultimate goal. Theirs is not a business of strict competition, properly viewed. Changes and adjustments between press and radio must be forthcoming. In the matter of supplying news, a definite understanding is also possible.

If the press is faithful to its creed to seek to reach the greatest number of people with news in the least space of time, it can not afford to overlook the radio. Nor can radio continue to prosper without the continued cooperation of the press.

The broadcasting industry is a vast one, wide in scope and influence. Within the industry itself and to the vast listening public, its future is important. I am told that there are some 12,000 employees engaged in broadcasting today, with yearly salaries for them exceeding $20,000,000. I am also told that there are 18,000,000 homes—60 per cent.—in the United States equipped with radios as of July, 1934. There were 3,806,000 new radio sets sold in 1933. In 1933 the American public spent $65,000,000 for new sets and $50,000,000 for new tubes and replacement parts. Hundreds of schools in the United States are equipped for mass radio reception. In 1933 there were over 700,000 auto radio sets sold. These figures are staggering and call for heroic measures on the part of broadcasters to do their level best to improve broadcasting programs constantly and to be true to the precious public trust which is theirs. You can not afford to fail!

An abiding faith in American industriousness and initiative makes me confident that you radio broadcasters will continue to strive toward better things, that you will not betray the public trust which is yours. Radio is a great new scientific wonder, a revelation of the world of wonders, designed by an understanding Master, whose handiworks surround us at every turn. Our only crime could be not to fully appreciate and make use of the all-encompassing powers and advantages which the radio has made possible. We have developed radio. What man will accomplish with it—whether he shall make it a tool to reach greater glories or a hideous instrument of ruthless destruction, whether he shall use it to build a nobler and a greater civilization or to corrupt and destroy that which has already been attained—that is the problem which faces us today. I call upon you to accept the challenge for leadership, for private control, for improved service, for better programs which America presents to you here today. Accept this challenge and carry it to a happy fruition of all our sincere good wishes. (Applause.)

PRESIDENT McCOSKER: Colonel Brown, it is a very wholesome thing to have our attention called to the fact that no obnoxious censorship is contemplated in government and it is well for us to dwell on the fact that if, according to your thought, it is brought about, it will be because of our negligence rather than government desire. It is a very interesting and stimulating talk and I thank you for it on the part of the NAB.

My next pleasant duty is to present to the membership Hon. Ewin L. Davis, member of the Federal Trade Commission, former Congressman from Tennessee, one of the earliest men of the Congress to interest himself in radio legislation when formerly Chairman of the Committee on Merchant Marine, Radio and Fisheries.

I think I am only reiterating what you know when I point out that our good friend Judge Davis has ever been a good friend of broadcasting, always interested in the orderly development of radio. I had pointed out to me today what I did not know and what you possibly do not know, that Judge Davis might be said to be the real father of the Federal Communications Commission in that in 1924 he made the proposal for such a communications commission at a public hearing before his committee and in 1926 wrote a minority report recommending its establishment.

It is with great pleasure that I present to you Judge Davis.

(The convention arose and applauded.)

RADIO ADVERTISING AND THE FEDERAL TRADE COMMISSION

Address by Hon. Ewin L. Davis

(Vice-Chairman, Federal Trade Commission)

Mr. President, ladies and gentlemen: As your President has indicated, I am very much interested in radio and in your problems and in your successes. While I have not been identified with the industry in the way that most of you have, yet I have in my feeble way been taking an interest in the subject of radio ever since before there was a broadcasting station, and I have observed the miraculous development during the brief span of years within which your particular branch of the industry has developed because it is difficult for us to realize that the first broadcasting station was established, I believe, thirteen years ago and then only in its experimental stage.

In greeting you, I wish to congratulate the National Association of Broadcasters upon your splendid growth and the splendid service which you have rendered and to express particularly my gratification that this is the most largely attended annual convention you have ever had. I trust that your growth will continue until you embrace in your membership every member of your industry in order that you may attain a full measure of cooperative success.

This is the third annual convention of the National Association of Broadcasters I have been honored with an invitation to address. It was not possible for me to accept the previous invitations but I am very glad to be able to be with you today. Aside from my very great interest in radio, in both the art and industry of which there has been such a rapid and marvelous development, I am pleased to discuss with you the subject of radio advertising and the Federal Trade Commission's relation thereto, as I was requested to do by some of your members.

Radio broadcasting has become a very important factor in our social, political and economic life. It takes into the remotest homes throughout the land the voices of the great leaders of thought, and a wide variety of music and other forms of entertainment. On occasions, a major portion of our population are brought into a single radio audience.

In England and other countries the cost of radio programs is met by charges to the owners of receiving sets. In the United States most programs are paid for by advertising sponsors. I am advised that for the twelve months ending last June the national radio advertising bill exceeded $65,000,000. Yet, the art of radio and the radio industry are still in their infancy, and their potentialities have scarcely been exposed. I mention this to emphasize the importance of the subject.

Before specifically discussing the subject of radio advertising, I wish to call your attention to the authority and duty of the Federal Trade Commission under the law, as well as to outline what the Commission has done heretofore to regulate and improve the character of radio and other forms of advertising.

The Federal Trade Commission Act of September 26, 1914, declares "unfair methods of competition in commerce" to be unlawful, and empowers and directs the Federal Trade Commission to prevent such methods.

The courts have uniformly held that false or misleading advertising constitutes such unfair methods within the meaning of this Act.

From the time the Commission was organized, it has waged war against advertisers who resort to false or misleading representation to sell their products.

One of the first cases was against a large mail order house that made false representations concerning its buying power and the care with which it selected sugar, tea and coffee, and imported the same. The Commission issued a cease and desist order against this concern, and it was sustained by the Circuit Court of Appeals. The company did not appeal from that decision to the Supreme Court.

Following this, a number of complaints were prosecuted against manufacturers of fabrics and clothing that were making so-called wool fabric, underwear and hosiery with some 20 to 80 per cent. cotton, and labeling and representing it as "pure wool," "Australian wool," "natural gray wood," "natural wool mixed" and various other names intended to and which did deceive the buying public into believing such fabrics and garments were made only of pure wool.

This same condition obtained with reference to silk and nearly every other article of commerce, including furniture, lumber, and so forth.

The Commission has published sixteen volumes of its orders, and the seventeenth is now in the hands of the binders. These cover a period from its organization, early in 1915, to July, 1932. In these sixteen volumes, 2,781 cases are reported in full, giving the facts found and the orders issued. Of these 2,781 cases, 1,993 related to false and misleading advertising. The remainder—788—related to commercial bribery, restraint of competition, price fixing, and various other offenses under the Federal Trade Commission Act or the Clayton Act. Of the 1,993 cases relating to false advertising, 456 involved food, drugs or cosmetics, and 1,537 related to other articles of commerce such as household goods, furniture, lumber, forest products, seeds, clothing, fabrics of all kinds, and so forth.

These reported decisions represent a comparatively small percentage of the cases handled by the Commission.

An overwhelming percentage of all advertising cases have been settled amicably, usually by stipulation, without the issuance of formal complaint.

The facts in a large number of our cases may be found in our annual reports, which may be obtained upon application to the Commission and without cost.

A cease and desist order against an advertiser is entered by the

Commission only after the respondent has had full opportunity to justify his claims, and if not able to do so, then to agree in writing to modify his copy to conform with the truth. Otherwise, if the Commission has reason to relieve that the advertiser has violated the law, it issues a formal complaint against such advertiser, who has twenty days within which to file an answer, after which proof is taken before a trial examiner. Briefs are filed by both sides and the case heard by the Commission and oral argument granted, if requested. The decision of the Commission is subject to review by the United States Court of Appeals and finally the Supreme Court of the United States. However, a large majority of cases are settled by stipulation and only a few are ever appealed from the Commission to the courts.

Publishers, radio broadcasting companies and advertising agencies involved may, and almost invariably do, avoid being made joint respondents with the advertiser by agreeing in writing that they will observe the terms of any cease and desist order entered by the Commission or any stipulation made by the advertiser in such case. This has become an established procedure with the publishers of newspapers and periodicals, and such broadcasting companies as have been cited have followed it as a matter of course.

As the United States Supreme Court has declared:

"It is a fundamental principle, long established, that the freedom of speech and of the press which is secured by the Constitution does not confer an absolute right to speak or publish, without responsibility, whatever one may choose, or any unrestricted and unbridled license, that gives immunity for every possible use of language, and prevents the punishment of those who abuse this freedom." Gitlow v. New York, 268 U. S. 652 (1925).

"The free speech secured federally by the First Amendment means—whatever is not harmful in character, when tested by such standards as the law affords." Fraina v. United States, 255 Led. 28 (C. C. A. 2d, 1918).

It should be clearly understood that the Federal Trade Commission neither claims the authority, nor has any desire to censor advertising. Its sole purpose is to curb unlawful abuses of the freedom of expression guaranteed by the Constitution. To put it tersely, the Commission does not dictate what an advertiser shall say but may indicate what he shall not say.

The processes of the Commission are not punitive but injunctive and preventive. How successful this procedure has been is indicated by the fact that during the nearly twenty years since the Commission was established, it has seldom had to appeal to the courts to discipline respondents for disregarding its cease and desist orders.

A few years ago the Commission began a more intensive drive against false advertising and established within its organization a Special Board of Investigation to give special attention to this work. When this campaign was begun, estimates were made that false and misleading advertising was costing the American public $500,000,000 annually.

It is a source of great satisfaction to the Federal Trade Commission that national associations of advertisers, publishers and advertising agents in recent years have not only pledged fine cooperation to the Federal Trade Commission to eliminate false advertising, but have, in fact, cooperated loyally by supplementing the work of the Commission. They have adopted rules, regulations and resolutions controlling the attitude of their own members in line with the position taken by the Commission.

It is immaterial who gets the credit for initiating the campaign against false and misleading advertising. The principal thing is protection of the public and the preservation of the value of advertising by restoring and maintaining the confidence of the reading and listening public.

Upon request of the publishers, a trade practice conference was held under the auspices of the Federal Trade Commission in New York November 12, 1928 with approximately 6,000 publishers present. These assembled publishers pledged their support to the Commission in its efforts to eliminate false and misleading advertising.

That rapid progress is being made for truth and honesty in advertising, even in the industries themselves, is evidenced by the following declaration adopted by the Advertising Federation of America at its twenty-eighth annual convention in June 1932:

"We agree to conduct our business with due recognition that truth, honesty and integrity must be the basis of every sound transaction; consider the mutual interests of supplier and consumer and, therefore, avoid anything tending toward misrepresentation, indecent or misleading advertising, deceptive methods or the promise of performance that can not be reasonably fulfilled."

A new advertising code was recently adopted by the Association of National Advertisers and the American Association of Advertising Agencies. The practices particularly objected to in their code are:

(1) False statements or misleading exaggerations; (2) indirect misrepresentation of a product or service, through distortion of details, either editorially or pictorially; (3) statements or suggestions offensive to public decency; (4) statements which tend to undermine an industry by attributing to its products, generally, faults and weaknesses true only of a few; (5) price claims that are misleading; (6) pseudo-scientific advertising, including claims insufficiently supported by accepted authority or that distort the true meaning or application of a statement made by professional or scientific authority, and (7) testimonials which do not reflect the real choice of a competent witness.

These associations have formed a committee to enforce their code. Such enforcement, according to announcements from the participating associations, among other benefits, will "stem the tide of destructive advertising and restore belief in the eternal truthfulness of the printed word."

Only a few weeks ago, the Proprietary Association appointed an Advisory Committee on Advertising of the Association. This committee prepared an outline of ethical practices embracing the following:

"Truth in advertising should apply both to the printed word, and to illustrative treatment. Individual words should be carefully chosen not only with respect to one or more of their definitions in the standard dictionaries, but also with respect to their meaning as commonly and generally understood by the public.

"In addition to the truthfulness of individual sentences and paragraphs, the sequence in which they are employed, or the emphasis, comparison or contrast involved, should not build up any untruthful implication contrary to that of the individually truthful sentences and paragraphs.

"Drawings, photographs, maps, plans, cartoons or other illustrations or designs should be in good taste and should not distort nor unduly exaggerate facts of size, appearance, effect or usage.

"Testimonials, if used, should be honestly secured, should be authorized only by actual bona fide users of the product, should represent a truthful statement of actual use and experience with the product, and should include no statement either as fact or opinion which is contrary to reasonable expectation in the use of the product under favorable conditions."

Said committee undertakes through an executive secretary to make regulations effective.

"The committee, it is said, expects to act in cooperation with governmental agencies, as well as with the publishers of magazines and newspapers, and those in charge of other media. It is pointed out that if a case gets as far as the Federal Trade Commission, for instance, a proprietary manufacturer would be in a poor situation to defend himself if it were shown that he had refused to make advertising reforms urged by the committee." (Editor and Publisher, August 18, 1934.)

All of the reputable newspapers and magazines have given their hearty cooperation to the Commission in its efforts to prevent false advertising in their publications, and associations of advertisers, advertising agents and publishers have adopted resolutions in recent years including the present year, condemning false advertising. However, there is always a percentage of the people who will not observe fair methods of competition unless forced to do so by the strong arm of the law. Because of this, the Commission must continually exercise its authority against advertisers who resort to false advertising, advertising agents who write, encourage and place for publication such advertising and publishers who continue to publish advertising copy containing false or misleading representations, and such broadcasting stations as may permit such violations.

Ethical advertisers—and they include the great majority—require little or no regulation. Their own self-respect and regard for the proprieties prompt them to tell the truth. However, among our vast population, there will probably always be some unscrupulous advertisers, and unless curbed by some authority, they are apt to trespass upon truth and decency.

Not a small part of the mischief lies in the fact that unrestrained, dishonest advertisers have in times past set a pace of gross exaggeration, if not outright falsification, which the advertising agents of more ethical houses felt necessary to follow to some degree, at least, in order to get, or hold, business.

The result of regulation of printed advertising has been that accurate claims are now the rule, not the exception. Readers of reputable publications have come to understand that generally they can safely rely upon what they read.

The National Industrial Recovery Act, Section 3 (b) provides:

"(b) After the President shall bave approved any such code, the provisions of such code shall be tbe standards of fair competition for such trade or industry or subdivision thereof. Any violation of such standards in any transaction in or affecting interstate or foreign commerce shall be deemed an unfair method of competition in commerce within the meaning of the Federal Trade Commission Act, as amended; but nothing in this title shall be construed to impair the powers of tbe Federal Trade Commission under sucb Act, as amended."

Numerous N.R.A. codes contain provisions against false and misleading advertising.

As you are aware and as Mr. Rosenblatt discussed this morning, a code of fair competition for the radio broadcasting industry was approved by the President November 27, 1933. Among other things this code provides as follows:

"Article VII, 4:

"(b) No broadcaster or network shall defame or disparage a competitor, directly or indirectly, by words or acts which untruthfully call in question such competitor's business integrity, ability to perform contracts, credit standing, or quality of service.

"(c) No broadcaster or network shall claim for its service a cbaracter, scope or quality wbicb can not be substantiated, nor sball it claim as regular characteristics of its service features wbich it knows to be purely temporary or accidental.

"(e) No broadcaster or network shall knowingly permit the broadcasting of any advertisement of, or information concerning any lottery, gift enterprise, or similar scheme, offering prizes dependent in whole or in part upon lot or chance, or any list of tbe prizes drawn or awarded by means of such lottery, gift enterprise, or scheme, wbether said list contains any part or all of such prizes.

"(i) No broadcaster or network shall use any subterfuge to frustrate the spirit and intent of this code, and the violation of any of the provisions of this Article VII of this code shall be deemed an unfair trade practice."

And, the Federal Trade Commission has jurisdiction over any of the violations of that code as well as tbe others.

While the statute directing the Federal Trade Commission to prevent unfair methods of competition in commerce, including false and misleading advertising, applies equally to all forms of misrepresentation, yet beretofore the Commission has generally dealt with printed advertising and has only had an occasional radio case. Tbis has been due to the fact that radio advertising is a comparatively new development, and also because it is much easier for a complaining competitor or consumer to send in a printed advertisement than to undertake to definitely recite an advertisement be bas heard over the radio. Also it has been easier and more economical for the staff of the Commission to scan periodical advertising than to listen in on radio programs in order to catch and take down any apparent false or misleading advertising. In an effort to perform its statutory duties, the Commission bas generally had to labor under restricted appropriations and consequent limited personnel.

Naturally, there were complaints tbat the Commission was not giving proper attention to radio advertising and even charges of discrimination were made. Furthermore, there has not only been an increasing demand on the part of the general public for clean advertising, but publishers, associations, advertising associations and many trade associations themselves have recently demanded a clean-up along advertising lines, as heretofore indicated. Generally speaking, the resolutions adopted by these organizations go as far as the Federal Trade Commission does against false and misleading advertising.

As a matter of fact, the federal government is under a higher duty to keep radio broadcasts free from unlawful advertising than perbaps any other form of advertising. No broadcasting station can operate without a license from the federal government to do so. Aside from the fact that sucb licensees are given without cost very valuable and mucb sought privileges, the government certainly can not afford to be placed in the attitude of licensing stations to violate the law or permit others to do so.

The statutory basis for granting a broadcasting license is "public convenience, necessity or interest." In other words, the station is authorized to render a public service. The primary function of radio is not to sell goods. Tbere is no justification for the federal government maintaining an instrumentality merely for the benefit of advertisers. The only justification for radio advertising is that the station or system may be maintained financially for the purpose of rendering a greater public service.

As some of you are aware, when I was a member of Congress, I took occasion to express my views with respect to tbe quality and volume of radio advertising, as well as the character of radio programs generally. I want to say, however, I think there has been a very substantial improvement along those lines. However, in my present official capacity, I am concerned only with the question as to whether tbe advertising continuities violate the laws under the jurisdiction of the Federal Trade Commission. Consequently, my remarks here relate only to that phase of the problem.

Last spring, the Federal Trade Commission definitely determined to take steps looking to a closer scrutiny and regulation of the large volume of radio advertising. We held conferences with your very efficient Managing Director, Mr. Philip G. Loucks, Mr. Oswald Schuette and other leading executives in tbe industry who displayed a fine spirit of helpful cooperation. As a result of various conferences and a careful study of the problem, it was decided by tbe Commission to request the networks, transcription companies and individual broadcasting stations to file with the Commission copies of their advertising continuities, the individual stations being relieved of filing the advertising continuities in network programs, as they were to be furnisbed by the networks; the same being true with respect to transcriptions in so far as tbe transcriptions tbemselves contained advertising continuities. The first call for these advertising continuities was made on May 16, 1934, the request being made for such continuities to be filed commencing July 1 and until further notice. Tbe time for filing was fixed that far in the future in order that duplicate copies of the continuities might be prepared, tbus avoiding the trouble and expense to the members of the industry of baving copies thereof made especially for the Commission.

In response to the Commission's request, all of tbe networks, two national and eight regional, complied. Of the 36 transcription companies listed, I regret to state that nine small companies have not responded. A number of the transcription companies reported that tbey do not make commercial continuities. Those who responded, however, produce 95 per cent. of the transcriptions.

Of the 596 broadcasting stations now operating, 594 have responded—a remarkable record, in my opinion. Of those two wbo have not responded, botb of which are very small local stations, just before I left we received an excuse and explanation from one of them. One of them we have not heard from at all. However, you may be assured that the few delinquents will not be ignored.

Tbe Commission has received nearly 180,000 continuities. Thev have made a preliminary detailed examination of 146,117 of such continuities. Of these 125,126 were found unobjectionable and filed without further action. And, 20,941 were distributed among members of tbe Special Board for further checking and possible investigation. There remain on hand not yet examined approximately 33,000 continuities.

I am sure that you will agree that the examination of this number of continuities entails considerable labor. You will be pleased to learn that the members of our staff conducting these examinations were impressed with the fact that tbere was a much larger percentage of these advertising continuities entirely free from any objectionable features than they had anticipated. Tbe fact that such a large number of radio advertisers are observing the law is all the stronger reason why those who may show a disposition to violate the law and engage in false claims for their product must be restrained. It is not only in the interests of the public but in the interests of honest advertising.

On July 30 tbe Commission advised those stations which had complied that they might discontinue forwarding continuities until further notice, although the network and transcription companies will continue sending their continuities. Further calls will be made upon the individual stations from time to time as occasion may require.

This scrutiny of radio advertising is being conducted with a minimum of expense to the government as well as to the industry, by reason of the cooperation of members of the industry and the method of procedure worked out. The broadcasters simply require their advertising patrons to file with them two copies of their continuities instead of one, the additional copy being for use of the Commission.

Limitations of the Federal Trade Commission over radio advertising are that the interstate commerce shall be involved, tbat tbere must be a public interest as distinguished from a mere private controversy, and that tbe practices involved are unfair to competitors. As you are aware, radio broadcasting has been held by the courts to be interstate commerce. Furtbermore, nationally

advertised products are sold and transported in interstate commerce.

Reverting to the examination of these continuities, if they appear unobjectionable from a legal standpoint, they are filed without action. If it appears that the advertising is objectionable or of a doubtful character, questionnaires may be forwarded to such advertisers requesting additional information to aid the Commission in reaching a conclusion. Generally, such questionnaire calls for formula, sample and follow-up literature. The formulae and samples may be submitted by the Commission to other proper agencies of the government for tests and reports, such as the Bureau of Standards, the Food and Drug Administration and the Public Health Bureau. These follow-up letters and literature frequently contain false or misleading claims not contained in the contact advertisement or announcement.

These radio continuities are being handled primarily by our Special Board of Investigation.

If it appears that a radio advertiser has violated the law, the further procedure is as heretofore explained.

The Commission has been very much gratified by the splendid spirit of cooperation shown by nearly all of those engaged in the radio broadcasting industry. We have been much pleased that this new procedure on our part has been received by the industry in the same spirit in which it is undertaken. It is refreshing that such an overwhelming percentage of your industry are so deeply interested and so fully appreciative of the importance of permitting only truthful and honest advertising over the radio—thus not only preventing advertisers from defrauding the public and thereby causing a loss of listener confidence in radio advertising.

We also deeply appreciate the loyal cooperation accorded by the Federal Communications Commission, Colonel Brown.

The Federal Trade Commission's success in its effort to stamp out false and misleading advertising, having as it does the support and cooperation of advertisers, the press and broadcasters generally, affords an example of what may be done by the government to protect legitimate business and the public without recourse to drastic punishment, penalties or forfeitures. It is largely a case of self-government made effective by the aid of the federal government in restraining the comparative few who are unwilling to play the game fairly.

(The convention arose and applauded.)

PRESIDENT McCOSKER: In the name of the organization, Judge, I wish to thank you for your authoritative, interesting and vital talk on the subject of the Federal Trade Commission supervision of radio continuities. To my mind, it confirms the opinion we have had that there was really no cause on the part of the broadcaster for apprehension in regard to the Federal Trade Commission but to consider them as an ally because it stands to reason the broadcasters are delighted to be relieved of the onus of the type of advertising that is sometimes sent us to put out on the ether. And, I might also add that I think Judge Davis' speech is the best contradiction from an authoritative source that I have heard on the many slurs given radio advertising. It really, I think, is gratifying to have it come from such a source as Judge Davis.

The next feature on the program this afternoon will be borrowed from tomorrow morning's schedule. The title is "Widening Horizons" by Mr. Fred Willis, Executive Office of the Columbia Broadcasting System, New York. (Applause.)

WIDENING HORIZONS

Address by FRED WILLIS

(Executive Office, Columbia Broadcasting System)

Education by radio is one of broadcasting's most useful and beneficial missions, one of its finest opportunities and one of its greatest responsibilities. But, it can, if one is not careful, become an unprogressive and one of its least productive activities.

To make the most effective use of radio in the educational field requires the friendly understanding and intelligent cooperation of the two groups—the educators and the broadcasters. This means at the outset not a series of charts, measurements and resolutions, but a sincere attempt to arrive at some unified conception of the whole subject—education by radio. Owing to the very nature of the medium itself, this demands some departures from old methods and the breaking down of certain existing fixations. It will require a wide-spread change of attitude; and in this change the broadcasters and the educators both have a role to play and responsibilities to assume.

At the outset it is my firm conviction that the radio should supplement and not attempt to compete with the classroom, the university or any of our established systems of education. At the same time, there should definitely be an active collaboration *with* and dependence *by* the broadcasters upon these existing groups.

It would be absurd for the broadcasters at any time to assume the responsibility for the academic content of educational programs, or for the theological content and concepts of religious programs, or the technical accuracy of scientific or medical broadcasts, and I urgently recommend that in all specialized fields of operation, the broadcasters take the utmost care in counciling and consulting with established national and local organizations and institutions. We should draw upon their academic resources and technical experience, seek the cooperation of their most colorful figures, and conduct our more formal educational operations with their counsel and guidance, particularly when supplementing some existing course of instruction. This I believe has been a pretty general practice and procedure. It should become a universal policy of our industry.

It is equally important that the educators seek from the broadcasters that essential element of showmanship and the experience in production, born of constant daily contact with the tastes and reactions of the public. This is fundamental if we are to insure programs adaptable to the medium of radio and palatable to the radio audience.

No matter how fine or authoritative the content of a radio program, it is wasted on the ether and consequently detrimental to the station and the educators alike unless in its conception, its interest and its method of presentation it meets with the approval of the listener-in. Giving the people what they want is by no means the sole road we should travel. But, giving the people what they *don't* want is to toss brains, energy and money out of the window! Such a policy, in my opinion, would take the American system of broadcasting, the most vital, liberal and entertaining in the world, and soon turn it into a soap box for party propaganda, individual aggrandizement or the promotion of selfish interest.

Some years ago during the famous trial of Horatio Bottomly, the prosecuting attorney walked up to the defendant and shaking his finger in his face, said, "And now, Mr. Bottomly, I'm going to ask you a very important question!" To which Mr. Bottomly merely arched an eyebrow and replied: "That, I presume, to distinguish it from your other questions!"

It is not an *important* question whether one group of recognized educators or another group builds and presents an educational program. But, it *is* a vitally important question *what* individual presents it and *how* it is presented.

I like to think of education by radio as a timely, vital, dramatic thing—a system of learning or acquiring more information, a means of widening one's horizons or enriching one's life and breaking down prejudices, through inspiration and not perspiration, an education by desire and not by discipline, a pattern of swiftly changing pictures and events with keen interpretations, not statistics and formulas, a moving panorama of the world in which we live—right now while we are living it—not a dreary drill of textbooks and tests. In short, I feel that one of broadcasting's most helpful contributions to education and one of its real responsibilities to itself and its listeners is the *popularizing* of education *itself!*

I believe that with the intelligent cooperation of the educators, a very real opportunity is offered not only to change the label *on* the can, but to make more palatable the product *in* the can. Working together with an open-minded approach, we might even be able to take the *"can"* off the label. For, there is no doubt whatever that large numbers of average people are eager to improve themselves, to acquire greater culture and broaden their intellectual capacities, who will shun any program that is labeled "education," for that, to them, means a laborious process of mental effort. Yet, these same people will avidly grasp and digest heavy doses of knowledge if it is made mentally palatable and disguised with a coating of news and drama, or enriched by entertainment and humor. In short, the broadcasting industry should endeavor to stimulate the people's imagination, to create an urge for better things and to work toward the elimination of stagnation in the educational approach. The question is simply this: Is education by radio to have red corpuscles—or white?

The Byrd Exposition to Little America, Stratosphere Flights, International Conferences at Geneva, the Philharmonic Symphony Orchestras, the Metropolitan Opera, News Interpretations and Government Affairs—to mention but a few within this category, all have their place in education by radio, along with the addresses of leading educators, the American School of the Air, the Ohio

School of the Air, the Damrosch Music Appreciation Hour and programs of this nature.

Owing to the vast distances covered and the difference of three hours in time from coast to coast, I am certain that ultimately the most effective system of education by radio as a nation-wide undertaking will be achieved best by the local stations cooperating with their local universities and boards of education in handling the more formal programs of education which require a closer coordination with local schools, civic clubs and institute meetings; while the networks supply to all sections of the nations those programs of a broader educational content which it would be impossible for the millions of people ever to receive at all were it not for the radio.

For the past five years, I have heard the subject of education by radio discussed at innumerable meetings. I have heard scores of addresses and a great many opinions expressed. I have seen education by radio charted on blackboards, graphed on blue prints and bound in volumes. I have witnessed its results measured by almost every method and medium from a telescope to a microscope, with a dizzy array of facts and figures—some very impressive, all very baffling! But, none of it strictly "education by radio." True, these meetings have been and are the by-products of education by radio, but I wonder if they are not a little premature. I wonder if we would not have progressed faster by developing a great and effective system of merchandising educational programs, making them thoroughly known to all the specific groups for which they are intended, and for the public at large. Great numbers of people have no conceptions of the quality of worth-while educational programs on the air, and few of these broadcasts receive proper merchandising efforts on the part of the educators and the broadcasters, both of which have ample channels for such activities.

There has been another neglect which demands the attention, *primarily of the educators,* if real progress is to be made. A far greater study of the methods of utilizing educational broadcasts must be undertaken. Scores of programs of real merit are not being effectively used either by teachers in classrooms, by undergraduate groups or professors in the universities or by parents at home. Preparatory work before radio programs and project work following up such programs is still negligible, though certain efforts have been taking place along these lines. But, I believe that these factors are more important in the development of education by radio, in its present stage, than are the efforts to evaluate, measure and chart results of programs before any real effort to use them has been made. This is particularly true concerning the programs which have been prepared in cooperation with educational authorities and have received their endorsement.

I think there has been much wasted effort and a good deal of putting the conductor in front of the motorman—forgetting somewhat that the very phrasing "education by radio" implies the *broadcasting* of *educational programs.* This should mean chiefly the use of radio methods and not chiefly the use of *blackboard* methods, *textbook* methods or *lecture platform* methods.

Illustrating my point, at a recent meeting of an institute on radio in education, there were assembled and played a series of educational broadcasts recorded from the air at the time of presentation. As each of these was played, the educator responsible for the program got up and endeavored to explain that owing to this reason or that, it was not a very representative program of the work they were doing, or very good production. So many of them felt it necessary to make apologetic explanation for their respective programs that finally one educator arose and said, "Well, ladies and gentlemen, it all boils down to this—we can't eat in our own cafeterias."

It is right here that to some extent the educators and the broadcasters have, in the past, through the circumstances surrounding their operations, and the developments and requirements of their activities, 'taken different roads. The very existence and life of a broadcasting station depends on attracting, interesting and sustaining a large audience during every hour the station operates, for 365 days of the year. Even if the economic necessity for this requirement did not exist, it would be futile to abandon such a standard and policy of operation when the listener has the divine right of personal acceptance or rejection in the form of a most responsive dial at the end of his finger-tips. Educational broadcasting can not afford to buck this "listener's luxury," but it *can* afford to profit by the skill and showmanship of those whose success has been founded on their consummate artistry.

A play was once being written in which George Arliss was to take the leading part. One afternoon the author and producer called on Mr. Arliss to get his opinion of a certain climax up to which they had been building. Arliss, that superb showman, read the part and immediately drew a pencil through four pages of it. The author and producer, jumping from their chairs, protested, "But, Mr. Arliss, it is vital to the scene; it is necessary to the play's construction!" "I realize that," replied Arliss, "and I agree with you—but it can be better said with a gesture."

The directors of broadcasting stations and network systems are responsible first and foremost to the American people, to each individual and family that goes to make up the vast nation-wide audience of more than 50,000,000 radio listeners, representing different backgrounds, traditions, tastes and prejudices. To render a complete and effective service necessarily requires that interested minorities receive adequate and fair consideration, but it does not mean that those who howl the loudest should be heard the most or receive preferential consideration—nor does it mean that all the best hours should be assigned to programs popular with the people whose lack of advantages and opportunities have made them the less intelligent, less appreciative and less discriminating majority. The most consistent judgment and fairness must at all times be exercised by station managers in the execution of these varied and great responsibilities.

It is part of radio's mission in education, and particularly is this true concerning the networks, to seek out the best from all sections of the country, from Canada and the nations of Europe —wherever, in fact, the foremost ideas can be unearthed or wherever the most interesting and important discoveries or developments are taking place. Nothing is more confining or stultifying to the progress of education by radio than the continuous presentation of one school of thought, one group of personalities, or one dictate of principle. The people of Maine will not relish having droned into their ears the methods and attitudes of the educators of Oklahoma, nor will Wisconsin endorse all the approaches and procedures of the educators of Oregon. But, intelligent people will welcome the timely and dramatically presented viewpoints of leaders and individuals of merit in *all states* and *all nations.* It is just as important that we find, develop and make known to the public new and young men and women of merit in the cultural fields as it is that we present, through inertia or fear of controversy, an endless parade of familiar figures with their equally endless parade of familiar formulas.

The broadcasting industry, if it is to serve fairly and effectively, the interests of the public, must remain distinctly neutral and unbiased in all controversial issues, whether these be of a religious, educational or political nature, but we should welcome wholesome and stimulating controversy to our microphones, provided it is not offensive to any creed or race. It is our job to be observers on the battlefields of all great issues as the forces are arrayed one against the other—but to be present in the camps of none. We must support to the fullest extent all undertaking and efforts devoted to our national welfare, to local civic betterment, and to peace and understanding among the nations, giving our station's time freely and within all *reasonable* bounds to the success of such enterprises.

There is another type of education by radio which is of primary importance to the public and to the industry alike, as well as to the many distinguished men and women who speak into our microphones. This type of education has been sorely neglected. It is the education of ourselves and the public as to what the broadcasting industry *has done* and *is doing.* We who are in broadcasting operate an industrial furnace that consumes material so quickly and in such vast quantities that at the end of a year, even those of us who have been most active and most familiar with its daily operations, have only a general impression, and more often a very vague one, as to the quantity, variety and quality of what has actually been presented to the listener. The public has no idea of it.

I have recently had a fairly good opportunity of judging this and I can assure you it is an astonishing record and one the industry can well be proud of.

Program service to the American listener covers practically every sphere of thought and endeavor, and it is significant that month by month, during the past five years, the radio audience has consistently increased, their response to programs has grown and the networks have enlarged in size with a consequent and continual improvement in service rendered.

There is no industry in the entertainment field so clear and free from obscenity and profanity as the broadcasting industry, and I doubt if there has ever been an industry which in the first ten years of its existence contributed so fully to the enrichment of people's lives.

What, now, are some of the attitudes which might profitably he adjusted and some of the common misunderstandings in approaching the whole subject of education hy radio?

First of all, I would like to tackle the "Octopus of Commercialism" which we hear from time to time is a "destructive demon" strangling all efforts toward constructive education, civic welfare and nohle standards. I take issue with this picture very emphatically. For, certainly, many of the finest educational endeavors, many of the most far-reaching philanthropies and some of the greatest undertakings in medical and scientific research have their roots in the soil of commerce. Surely every one recognizes and commends the outstanding work of the Carnegie Foundation, the Rockefeller Foundation, the Bok Foundation and Curtis Institute, the Penny Foundation and many others of similar reputation and character. Yet, the Carnegie Foundation was made possihle through the commercial success of a steel company, Rockefeller through oil, Bok and Curtis through the puhlishing husiness, and Penny through chain stores.

Surely it is considered educational and cultural to attend the concerts of great symphony orchestras, the plays of Shakespeare, Barry, Eugene O'Neill and other renowned dramatists. Yet, I do not know many theatres or producers presenting these free of charge to the puhlic or even at cost. Books and newspapers have, I helieve, always heen considered mediums of disseminating information and knowledge. Yet, most of the printing presses of the nation are run for profit, on a commercial hasis.

Of all of these mediums, the broadcasting industry alone devotes approximately 70 per cent. of its entire operating time to non-commercial activities—giving to the public the great affairs of the world as they transpire, the hest of music and opera both at home and from ahroad, extensive programs of supplementary education and the opinions and views of recognized leaders in religion, science and the arts, undertakings in support of unemployment aid, puhlic health and civic welfare, news, humor and entertainment—all without hias on our part or despotic censorship—preserving the free expression of opinion and the democratic ideals of our country.

It seems to me that there is a little of mythology in this "Octopus of Commercialism." The intelligent use of profits and their administration in proper degree for the henefit of others, would seem a more appropriate standard of judging rather than whether or not the making of profits honestly or the receiving of just rewards is a vice or a virtue.

Another attitude which the hroadcasters frequently meet in their dealings with groups and individuals, is the helief that unless they get evening time over a station or a network, they are heing relegated to what would correspond to the "Help Wanted" page of a newspaper. Actually, quite the opposite is true. Broadcasting has only a "front page." Whatever a station or network is presenting during any given fifteen minutes is *its* front page, devoted exclusively to that subject while it is on the air and directed to its entire listening audience of the moment. But, competing for this audience with the speakers, are the artists and programs of other stations across the country. The more popular the time, the more intense the competition will be.

The element of competition on the air has often heen one which is overlooked by the educators in approaching broadcasting as a medium of expression. The shrewd husiness man when making use of periodicals, the motion picture, the stage or other mediums of contact with the puhlic, would take every step to assure himself that the methods he was planning to use would compete at least favorably, if not advantageously, with the methods of his competitors who were using the same medium. He would consider style and size, color, expression, timeliness and vitality, in order to accomplish his purpose. I have noticed over a period of years that those individuals who have taken the most care and given the most forethought to the medium of radio have heen those most often to get the greatest results *from* radio.

If these factors are taken lightly and surrendered to self-assurance, based on past successes with other mediums whose characteristics are quite different, one is apt to find oneself in the position of Mutt in the famous old funny-strip, which you may recall. Mutt was standing on the conductor's platform paying his fare and turned to the conductor and said, "Have you ever seen me before?" The conductor said, "No." And Mutt replied, "Then how do you know it's me!" (Laughter.) It's a pretty important thing in broadcasting that the listening puhlic get to know "it's *you*" and keep on looking for *you*. And, to have *you* the one they want to hear instead of some other fellow.

Recently a 15-minute radio talk was set in newspaper type. It equaled 2½ columns. Hundreds of organizations every year receive from the hroadcasting industry not one but frequently many 15-minute and half-hour periods. This is equivalent to either 2½ or 5 columns on the front pages of from 30 to 90 metropolitan newspapers simultaneously. All we ask in return, in fairness to modern education and to the hroadcasting industry, is that the educators and their institutions justify that circulation and don't impair it by the use of didactic material or the wrong methods.

Education by radio consists of subject matters and personalities, either of which can hreak a hroadcast and neither of which can make it. Only the right comhination of hoth will he successful.

There is an old Chinese proverh which says "one picture is worth ten thousand words." It's the *picture* we're after—not the ten thousand words! (Applause.)

(Vice President Shepard took the chair.)

CHAIRMAN SHEPARD: Mr. Willis, on hehalf of the Association, I want to thank you for your carefully prepared and most interesting talk.

(President McCosker returned to the chair.)

PRESIDENT McCOSKER: The next business on the afternoon's program is the report of the Nominating Committee. I understood that while Mr. Brennen is the Chairman of the Nominating Committee, Dr. Leon Levy has been asked hy him to give the report.

In connection with the report of the Nominating Committee, I am requested to emphasize the fact that only accredited memhers will he permitted to enter this room tomorrow and we do not want to be under the emharrassment of having to ask any one to leave. Dr. Levy.

DR. LEON LEVY (WCAU; Philadelphia): Mr. President and fellow memhers, I will first proceed to read a letter from our President, Mr. Alfred J. McCosker, which was presented to the Nominating Committee immediately upon convening.

"September 17, 1934

"To the NAB Nominating Committee.

"Gentlemen:

"Because of the demands on my time arising from the operation of the WOR fifty kilowatt transmitter shortly to be completed, I request that my name be not considered in nominations for the presidency of NAB.

"Having served two terms as President, I feel I have made the contrihution to our Association which might reasonably be expected of me.

"Sincerely yours,
(Signed) ALFRED J. McCOSKER."

There are four offices to be filled and if the men suggested by your Nominating Committee are elected, there will he eight vacancies on the Board of Directors—five for three-year terms and three for a one-year term.

In making up this slate, due consideration was given to geographical location and classification of stations. We are nominating for officers and memhers of the Board what, in our opinion, represents a true cross section of the hroadcasting industry.

We nominate for:

President—J. Truman Ward (WLAC)—Nashville, Tennessee.

First Vice President—Lambdin Kay (WSB)—Atlanta, Georgia.

Second Vice President—Charles Myers (KOIN)—Portland, Oregon.

Treasurer—Isaac D. Levy—WCAU—the birthplace of the Constitution and city of hrotherly love.

Directors for three-year terms:

Alfred J. McCosker—WOR—Newark, New Jersey.
Leo Fitzpatrick—WJR—Detroit, Michigan.
Harry Butcher—WJSV—Washington, D. C.
John Gillin—WOW—Omaha, Nehraska.
Lester E. Cox—KGBX—Springfield, Missouri.

Directors for one-year term:

Stanley Huhhard—KSTP—St. Paul, Minnesota.
Harold Wheelahan—WSMB—New Orleans, Louisiana.
Powel Crosley, Jr.—WLW—Cincinnati, Ohio.

LEO FITZPATRICK (WJR; Detroit): Mr. Chairman and Dr. Levy, may I have a few words, please?

I think that only twice during the last five years have I ever made an address to this hody. I think I would be remiss in my duty if I didn't at this time.

Two years ago I nominated Mr. McCosker for President of the NAB. For two solid years he has worked tirelessly, ceaselessly

and with more vigor, I think, than many of the Presidents we have had in the past. None realize more than I do the innumerable duties he has had to contend with outside of the activities of the NAB. I realize also the gesture he has made in refusing to establish a precedent sought by many who asked him to accept a third term. I ask on behalf of the feeling that I personally, and I am sure every loyal member of the NAB, have for the work done by Mr. McCosker, that we rise and let's have a standing vote of thanks.

(Rising vote of thanks.)

PRESIDENT McCOSKER: Thank you, gentlemen. The next business of the meeting is to have a report of the Credentials Committee by Mr. Lounsberry.

IKE R. LOUNSBERRY: (Chairman, Credentials Committee, NAB; WGR-WKBW, Buffalo): Mr. President and members of the convention, your Credentials Committee has checked a list of those registered here at the convention as to their qualifications for voting in this meeting. This report is tabulated and I now submit it to the Elections Committee of the convention. There are 191 stations qualified to vote at this convention.

W. P. WILLIAMSON, JR. (WMBN; Youngstown): This morning a group of broadcasters, of which I was a member, in accordance with Article VII, of our by-laws, presented the name of H. K. Carpenter as a nomination for consideration by the Association. That was presented to the committee. I understand that is in keeping with the rules and regulations and I, therefore, move that Mr. Carpenter's name be considered in the balloting for President of the Association.

PRESIDENT McCOSKER: It will be so noted.

ANNOUNCEMENTS

PRESIDENT McCOSKER: Will the members of the Elections Committee come forward, please?

MR. CRANEY: Mr. Chairman, are we to vote on these people now for officers, or are we to do it tomorrow?

PRESIDENT McCOSKER: The next order of business is the election of officers, I have been given to understand.

At the Board of Directors yesterday I understood it was decided we were to have the report of the Nominations Committee this morning, giving time to groups to get names up for office. It seems our by-laws state you have to have ten names of members in order to present any one's name for an office. In order to give time to these people, I make a motion that we hold the election tomorrow morning instead of today.

PRESIDENT McCOSKER: I wonder how it would be if we were to declare a recess while that is being done because we have a tremendous program tomorrow on the matter of copyright. The inability to present the nominations, I understand, was due to the lengthy discussion on that topic.

MR. CRANEY: It doesn't make any difference to me, one way or another. I heard from a lot of members that they had petitions and that they wished to present these petitions to the Nominating Committee. And, some of them might want to get up other petitions. I suggest you put it to a vote. If they don't wish to do so, we can go ahead with the election.

PRESIDENT McCOSKER: I think it would be very difficult to vote with the miscellaneous assemblage. My understanding is that when we vote, we have to have members vote—unless we have a roll call.

MR. CRANEY: Shall I amend that motion that we adjourn for thirty minutes?

DR. LEON LEVY: I second the motion.

(The motion was put to vote, and was carried.)

PRESIDENT McCOSKER: It is now fifteen minutes of four; we will re-convene at four-fifteen.

(Recess.)

PRESIDENT McCOSKER: Gentlemen, please take your seats. Will all others but members and delegates please leave the room? The press is to remain.

Additional nominations for the presidency?

We have received this petition: "We, the following, nominate for the presidency of NAB, Mr. Leo Fitzpatrick," and there follow about eleven names. (Applause.)

MR. FITZPATRICK: I am deeply appreciative of the vote of confidence that the members of NAB have given me in naming me as a candidate for the presidency of this organization. However, at this time I feel it is imperative that we have some one who can spend all of his time within the next thirty days, not hours and minutes but days, on the question of the problems that confront us in Washington. I feel it is impossible for me to do so. I am right now in the throes of opening our new transmitter around October first and conferring with Mr. Patt on his large station in Cleveland, so that I haven't the opportunity to spend the time that I deem necessary in the period that is confronting us the next thirty days.

I want to say that I appreciate more than I can tell with mere words or phraseology the confidence you have shown in making me a candidate. I do want to say, however, that I feel the utmost confidence in the Nominations Committee. I feel it is an unbiased group and I feel as long as they have made their nominations—and I have great respect for their judgment—that I would like to withdraw my name as candidate and support the Nominations Committee in the decision they have made. (Applause.)

PRESIDENT McCOSKER: Any additional nominations by petition for presidency? Are there any more nominations for the presidency? Do I hear any further nominations? If not, I declare them closed.

The nominations for the office of President are J. Truman Ward and H. K. Carpenter.

Now, for First Vice President, the Nominations Committee have named Lambdin Kay of Atlanta, Georgia. Are there any further petitions? Are there further nominations? If not, I'll declare the nominations for First Vice President closed.

Nominations for Second Vice President. The Nominating Committee candidate is Mr. Myers. Any additional nominations for Second Vice President by petition? If not, I declare the nominations closed.

For Treasurer—the Nominating Committee nominee is I. D. Levy of Philadelphia. Any other nominations for Treasurer by petition? If not, I declare the nominations closed.

Slips have been distributed to be used as ballots.

THE CONVENTION: Where?

PRESIDENT McCOSKER: On the chairs. Just one moment, gentlemen. After you have found the slips, before you make up your tickets, I would like to give you the requested order of voting. Slips have been distributed to be used as ballots. The roll will be called and as each representative answers, he will take his place and deposit his vote at the east side of the room. There will be two ballots cast. The first vote will be for President and the others without contest. The second ballot will be for Directors, the first five for three years and the last three for one year. The votes for Directors will be counted in the order in which they appear on your ballot.

You will now proceed to make out your vote and we will call the roll.

JAMES A. WAGNER (WHBY; Green Bay, Wisconsin): Mr. Chairman, in view of the fact that there are only single nominations for First Vice President, Second Vice President and Treasurer, I would move that the unanimous ballot be cast for the last three officers and that the election proceed for the office of President.

JOHN J. GILLIN, JR. (WOW; Omaha): I second the motion.

(The motion was put to vote, and was carried.)

PRESIDENT McCOSKER: Will you kindly proceed with the balloting for President?

(Roll call casting of ballots for President.)

PRESIDENT McCOSKER: I declare the balloting for President closed.

We have received properly signed petition for J. L. Kaufman for the three-year term. Likewise we have received a nomination for the three-year term for Joe Maland.

Any additional nominations by petition for Directors?

MR. CHURCH: Mr. Chairman, is Mr. Maland's nomination for the three-term or the one-year term.

PRESIDENT McCOSKER: Mr. Maland's nomination here as I have it is for the three-year term.

T. W. SYMONS, JR. (KFPY; Spokane): For the office of Director for three-year term, Guy C. Earl, Jr., of KNX in California. I wish to say in presenting this nomination that if Mr. Earl is elected, he will be the only representative of the far West on the new Board of Directors.

PRESIDENT McCOSKER: Properly executed petition for Guy C. Earl for the three-year term.

STEPHEN A. CISLER (WSGN; Birmingham): Mr. President, I present a petition for Gordon Persons for membership on the Board of Directors for the three-year term. Mr. Persons, we believe, represents the smaller city viewpoint for the NAB Board of Directors.

PRESIDENT McCOSKER: I have a properly executed petition in the name of S. Gordon Persons of Montgomery. Any additional nominations for Directors?

JAMES L. HUGHES (WHBF; Rock Island, Illinois): Mr. President, are nominations in order for the one-year term?

PRESIDENT McCOSKER: Yes.

MR. HUGHES: For the one-year term—James C. Hanrahan of KSO.

PRESIDENT McCOSKER: Any additional nominations for Directors for the one-year or three-year term? If there are no further petitions, I declare the nominations closed.

CAMPBELL ARNOUX (WTAR; Norfolk, Virginia): According to our by-laws, it would save quite a bit of writing if we could make the election for the one-year term by acclamation.

PRESIDENT McCOSKER: Except we have had a new name presented.

Voting for the five three-year Directors will now proceed, and also for the one-year Directors.

Gentlemen, can you read the names that are on the blackboard?

MR. CAULFIELD: Mr. President, in voting for the nominees presented by the Nominating Committee, may we just say, "As per Nominating Committee?"

PRESIDENT McCOSKER: I wouldn't say so. It is a slight effort to put down the names.

Gentlemen, can you all read the names on the board?

NAYLOR ROGERS (KNX; Hollywood, California): In the matter of voting, assuming you don't vote for more than two or three, is your ballot valid?

PRESIDENT McCOSKER: I will have to confer with Mr. Loucks on that.

(President McCosker conferred with Managing Director Loucks.)

PRESIDENT McCOSKER: On the suggestion of Mr. Loucks, the Chair rules the vote must be five for the three-year term and three for the one-year term.

MR. CRANEY: Where in the by-laws is there anything against voting for one or two?

PRESIDENT McCOSKER: Mr. Levy contends it throws the ratio off and is unfair.

I. D. LEVY (WCAU; Philadelphia): The idea is to have a majority vote. If you vote for one, you are by that one vote creating a favor for one man and he should not have the benefit of the votes you do not cast.

We have conducted it fairly so far and I think it is only right to keep on doing that.

MR. CRANEY: Mr. President, I would like to appeal from the decision of Ike Levy.

It seems that some of the men around here would only like to vote for one or two. They seem to have some people they would like to get in and it is just as fair if they do.

PRESIDENT McCOSKER: You mean to say they want to vote for one man who has been nominated, just one man, or do they want to substitute from one ticket to the other?

MR. CRANEY: Only one man.

PRESIDENT McCOSKER: What do they propose—one Director? We can't throw it into a situation like that.

MR. CRANEY: No, you misunderstand. Some men want to throw all their strength for one man, precluding the names of the other men they don't know.

PRESIDENT McCOSKER: How would we achieve the goal of filling our directorate?

MR. CRANEY: Mr. Chairman, I would like to put that to a vote of the convention, to find out whether they want to vote for the regulation number or vote for one or two or any number. I think it is up to them to say what they want to do rather than abide by the ruling of one man.

PRESIDENT McCOSKER: Before that vote is taken, I'd like to have Mr. Levy make an explanation.

I. D. LEVY: Gentlemen, this is an attempt, as I see it, of pulling an old political trick. Let me show you how it works out and when I get through, I know your sense of fairness will guide you.

Suppose there are five candidates. There ought to be 25 votes if five vote. Now, if five people vote for five candidates, you would have five lines after each one. But, suppose four were to vote for one man and the last man would vote for five. You would have one man electing the Directors as against the expression of four men. By that system, one man can accomplish the defeat of the will of the body. I don't think that is what you want.

MR. CRANEY: Mr. Chairman, I don't quite agree with Mr. Levy.

I make a motion that you put this thing to the vote of the house to find out whether we can vote for the men we know and only for them.

PRESIDENT McCOSKER: Even at the hazard of throwing the election?

Would you care to have Mr. Levy elucidate that further?

MR. CRANEY: I understand perfectly what Mr. Levy is talking about, but I make a motion that we put that to the vote of the convention.

MR. SYMONS: I second that motion.

PRESIDENT McCOSKER: This has proceeded to the point of a motion and a second, but let's consider this in family fashion and see if this isn't a matter for the Elections Committee.

I don't feel that a brief recital such as Mr. Levy was able to give has clarified the minds of the entire membership. I am sure his point is sincere and I am equally sure the other gentleman's point is sincere.

MANAGING DIRECTOR LOUCKS: There is one point I want to bring up that has been overlooked, apparently, by the Nominating Committee.

We have two candidates for the presidency, Mr. Ward and Mr. Carpenter. Mr. Carpenter has two years to serve out as a member of the Board and Mr. Ward has one year longer to serve on the Board. Should Mr. Carpenter win the election, Mr. Ward would remain on the Board and in that event you would elect but two for the one-year term and one for a two-year term. Should the result be the opposite, of course, this would stand.

FRANK M. RUSSELL (WRC; Washington, D. C.): Is the vacancy created after the election?

MANAGING DIRECTOR LOUCKS: There have been no formal resignations.

WILLIAM S. HEDGES (WEAF; New York): Possibly Mr. Craney's point would be served if we voted for the three-year term and then in view of this situation which Mr. Loucks brought up, by that time we will know the result of the election for President and know whether the Nominating Committee will have to submit any candidates for a two-year term, or abide by the original recommendation for the one-year term.

PRESIDENT McCOSKER: That is an excellent idea but it will necessitate voting separately for the one-year and three-year terms.

MANAGING DIRECTOR LOUCKS: You must have the result of your presidential election before you can proceed beyond the election for the three-year term.

DR. LEON LEVY: The Nominating Committee pointed out that if the members nominated by the Nominating Committee were elected, there would be eight vacancies; otherwise there would not be eight vacancies. That was pointed out.

PRESIDENT McCOSKER: We now have the result of the balloting for President, which will solve the question.

The result of the balloting on the presidential election is as follows:

Ward	96
Carpenter	55

(Prolonged applause.)

I want to call the attention of three men who voted for Directors on that presidential ballot that you will have to re-vote for Directors, of course.

STANLEY HUBBARD (KSTP, St. Paul): Mr. President, I move that the election for President be made unanimous.

(The motion was seconded by several, was put to vote, and was carried.)

MR. CRANEY: Mr. Chairman, there is a motion before the house.

PRESIDENT McCOSKER: I asked that we depart from the well-known procedure for a moment and consider this in the family spirit.

EDWIN M. SPENCE (WPG, Atlantic City): Mr. Chairman, I make a motion that the first order of business tomorrow morning be the election of Directors. A banquet is scheduled to be held in this room at 6:30 o'clock. There are 350 dinners being cooked which we don't want spoiled so I move we clear the room.

(The motion was seconded by several, was put to vote, and was carried.)

PRESIDENT McCOSKER: The meeting stands adjourned until 10:00 o'clock tomorrow morning.

The meeting adjourned at 5:45 o'clock.

SEPTEMBER 19, 1934

Wednesday Morning

The meeting convened at 11:00 o'clock, Vice President Shepard presiding.

CHAIRMAN SHEPARD: This is a closed meeting for delegates only. The press is allowed to be present.

Last night there was a motion made by Mr. Craney, on which there was some discussion. If it is agreeable to the body, the Chair will rule that all ballots are legal for the Directors for the three-year term provided you do not vote for over five. You can vote for one, two, three, four or five. If you vote for more than five, the ballot is thrown out. That is on the three-year Directors only.

DR. LEON LEVY: You are wrong on that, John.

CHAIRMAN SHEPARD: It should be understood that you can only put in one ballot. If you only put one in, you have only voted for one man. You can not put in another ballot for another man.

DR. LEON LEVY: I think you are wrong there, John. The Chair ruled yesterday that you had to vote for no less than five.

CHAIRMAN SHEPARD: Mr. McCosker has withdrawn that because I talked with him on that.

DR. LEON LEVY: The idea was you were not to vote for less than five so as to not let the vote cumulate, and that was what the appeal was taken from.

CHAIRMAN SHEPARD: In any other election, if you are voting for two for Congress or anything else, you don't have to vote for two; you can vote for one. You can't force a man to vote for five. He doesn't have to vote for five.

DR. LEON LEVY: It was shown that one man could get an unfair advantage over the others and that that man could be elected by a minority group.

I think we should vote on the question before the house to make it legal.

CHAIRMAN SHEPARD: Mr. Hostetler, will you give us the benefit of your opinion?

J. C. HOSTETLER (Baker, Hostetler, Sidlo and Patterson, Cleveland): Mr. Shepard, I am here about a matter that I think so important that I don't want to stick my nose in a family row.

I did go over the rules and regulations this morning with Phil Loucks and I have an idea of how this body must elect their Directors if you follow those rules and regulations but I don't want to give that opinion unless this body wants it. I am here to talk copyright. I am perfectly willing to give it if they want to hear it but I don't want to get into a family fracas.

THE CONVENTION: Let's hear it!

MR. HOSTETLER: Phil told me the question was whether in voting for five Directors out of eight nominees, a member could vote for one Director or two or three or any number less than five. I asked whether the member wanted to cast one vote for the one person he voted for or wanted to—what you call—cumulate, vote five times for one person.

Now, I am clear he can not vote five times for one person! In corporate organizations, you know, there are states where cumulated voting is allowed. An owner of stock can vote five votes for one man but I don't believe you can do that here under Roberts Rules of Order.

Now, whether a man, when a ballot is given him with eight names on it and he has a right to vote for five, can vote for one only and have a legal ballot—in my judgment unless this meeting adopts another resolution, under your by-laws he cannot vote for one or two. However, it would be unfair to say that without going one step farther because your regulations have a provision in them that is relatively peculiar.

When you cast your ballot for Directors and have eight candidates and five places to be filled, ordinarily the five highest men are declared elected. Your regulations provide in order to be elected to any office, a man must have a majority of the votes cast and if on any vote he has not a majority, the two high men must run against each other.

Now, in my opinion, when the votes are cast, under your regulations, the Tellers Committee will have to cast out all illegal ballots —those not marked or where two ballots are wrapped up together or where the ballot is marked so you can not tell who he is voting for.

Then, if there are 100 good votes, in order to be elected, a man has to have 51. I think that committee would have to tally the vote first and see if any of the men have 51 votes or the majority of the votes cast. If any one, two or three have 51 votes, then they are elected and, in my judgment, you then have to ballot again if, say, three are elected on the first ballot, you would have to ballot again for two. If nobody has a majority of the votes, then I think the two high men would have to run against each other to fill one place and after voting between those two high, you would have elected one Director. Then you would have to go back and elect four more out of the remaining seven.

Now, I know it is complicated and I can see a fight in its inception just about as clear as anybody and I don't like to mix copyright up with this because when we talk about copyright, I want you to be a unit—I don't want you to be divided! And, to hell with who your Directors are! (Applause.)

Unless this body passes a resolution providing that no ballot shall be legal unless voting for all five, I do not believe, under Roberts Rules of Order, a ballot is illegal voting for one, two or three. I think you have the power to pass a resolution saying every ballot has five choices. But, if you don't do that, I think the tellers will have to count single ballots and in doing that, nobody is elected unless he gets a majority—and you may have to ballot half a dozen times.

MR. CRANEY: Mr. Chairman, if we can go ahead under the interpretation of our by-laws that Mr. Hostetler has given, under that interpretation I'll withdraw my motion.

CHAIRMAN SHEPARD: Does anybody want to make a motion as Mr. Hostetler suggested could be done?

MR. CRANEY: I don't believe you need that motion. If we go ahead with Mr. Hostetler's interpretation, I'll withdraw my motion.

I move the previous question!

CHAIRMAN SHEPARD: What is your motion?

MR. CRANEY: I move the previous question! To vote on the other and that will get it over with.

DON S. ELIAS (WWNC, Asheville, North Carolina): I think what you want is a motion, then, that you don't have to vote for five.

CHAIRMAN SHEPARD: The only motion that is necessary is that you do have to vote for five.

MR. ELIAS: Then I'll make a motion that . . . .

MR. CRANEY: Mr. Chairman, I have a motion before the house and unless you go ahead and vote under the ruling Mr. Hostetler has given, the way he has interpreted the by-laws.

CHAIRMAN SHEPARD: He has interpreted the by-laws that you do not have to vote for five. He said, however, a motion would have to be in order that you vote for five.

Mr. Symons (who had seconded Mr. Craney's motion at the previous session) consented to the withdrawal of Mr. Craney's motion.

The question was called for.

MANAGING DIRECTOR LOUCKS: How can you entertain that motion when the second consented to the withdrawal of the motion?

CHAIRMAN SHEPARD: We will now proceed with the voting.

LEWIS ALLEN WEISS (WJR, Detroit): As long as there is so much arithmetical confusion this morning, may I just add one more correction. I find nine candidates, if I am able to count this morning, instead of eight and they are running for three-year terms.

CHAIRMAN SHEPARD: That's right. There are two ballots but the second isn't out yet.

We will proceed with the voting.

EARL D. JENCKS (WTCN, Minneapolis): Mr. Chairman, I rise to a point of order. Our interpretation of our legal counsel is that it is permissible and proper to submit a resolution waiving the rules and regulations of our Association, said resolution to state that it is legal and the wish of this body to have this election made with a vote for not less than five Directors. I move that motion.

CHAIRMAN SHEPARD: Your motion, as I understand it, is to—

MR. CRANEY: It is too late to do that now.

CHAIRMAN SHEPARD: The voting hasn't started.

REVEREND WAGNER: I second the motion.

MR. CRANEY: Will you please state the motion?

CHAIRMAN SHEPARD: The motion, as The Chair understands it, is that the ballots to be legal must carry the votes for five of the Directors.

MR. JENCKS: That is right.

(The motion was put to vote. The vote was in doubt. A rising vote was taken. The vote was: 62, for; 44, opposed. The motion was carried.)

CHAIRMAN SHEPARD: The motion is carried. (Applause.) Therefore, The Chair instructs the Elections Committee that all ballots that have less than five people voted for, are thrown out.

MANAGING DIRECTOR LOUCKS: Are you ready for the roll call and the voting?

DR. LEON LEVY: Where is the one-year ballot?

CHAIRMAN SHEPARD: Those come next.

(Roll call casting of ballots for Directors for three-year term.)

CHAIRMAN SHEPARD: The ballots are closed for three-year Directors.

Gentlemen, we started late this morning and in order to save time, while the Elections Committee are counting the ballots for three-year Directors, I will ask Mr. Schuette to give you his talk on the copyright situation. After Mr. Schuette's talk, we will proceed with the election of the one-year Directors.

I believe no introduction is required. I think you have all heard Mr. Schuette before and so without any further ado, I am going to ask him to get up and make his speech. (Applause.)

REPORT OF OSWALD F. SCHUETTE

(NAB Copyright Adviser)

This time it wasn't necessary to write a report on copyright for the NAB. The Attorney General of the United States wrote that report much better than I could have written it in a sworn bill of complaint to the United States Federal Court for the Southern District of New York against the American Society of Composers, Authors and Publishers, the Music Publishers Protective Association, the Music Dealers Service, Inc., and 131 individual defendants.

In that proceeding the Attorney General went much farther than we had gone in any of our statements and made a more vigorous attack upon the Society than anything we could have said. That government suit, therefore, sums up everything that needed to be said here today. It sums up everything that has happened since the convention at St. Louis and everything that happened at White Sulphur Springs.

I think this much should be said, first, that at the St. Louis convention I was instructed, if possible, to negotiate a contract that would be acceptable to the broadcasters and was given authority, so far as it was possible to be given by an Association, to accept such a contract.

I spent four months trying to get from Mr. Mills a contract that put the royalty for the music we use upon the programs in which that music should be used and to take it off programs in which no ASCAP music was used. Mr. Mills promised again and again that that was going to be done.

It wasn't until all those efforts were exhausted that I began to use all power to induce the government of the United States to act. It was then, with Mr. Loucks, I went to the Department of Justice formally setting up the same complaint that now has come up in the government's sworn charges in the United States District Court.

I think, however, that we ought to call specific attention to a few phrases in this suit so that there will be no question about what the real controversy is and has been between the broadcasters and ASCAP.

In this sworn charge which I hope all of you have read—and can't read too often—the Attorney General says this:

"But for the combination and conspiracy herein described, the members of defendant Society would be in competition with each other and in competition with non-members of defendant Society in effecting the sale to broadcasting stations of licenses to perform publicly their particular copyrighted musical compositions, and but for said combination and conspiracy the facilities of radio broadcasting stations would be available to non-members of the Society under equal competitive conditions with members of the Society, as a medium for transmitting to the ear of the purchasing public musical compositions copyrighted by them and non-members would be in competition with all members of the Society in the sale and transportation in interstate and foreign commerce of sheet music."

Then the Attorney General says that through this conspiracy—and he uses the word "conspiracy" in every chapter—"All competition among members of defendant Society in the sale of rights to perform publicly their respective musical compositions, which, but for the illegal combination and conspiracy herein described, would have existed, has been eliminated by said illegal combination and conspiracy; * * *"

And, he says further: "By reason of the combination and conspiracy and the concerted action of members of defendant Society, as a result of which radio broadcasting stations are obliged to accept a blanket license as heretofore stated upon terms and conditions imposed by defendant Society, the members of defendant Society have secured the exclusive use of radio broadcasting as a means of conveying musical compositions to the ear of the public-at-large. By the means described the members of defendant Society have destroyed the incentive of broadcasting stations to use the musical compositions of composers, authors and publishers who are not members of defendant Society and have prevented non-members of defendant Society from receiving the compensation for the rights of public performance of their musical compositions, which they would otherwise receive, and have limited and restricted the popular demand of the listening public to musical compositions controlled by defendant Society."

Now, what does that government suit mean? It means that the Attorney General is now going to take away from that Society, if he can, the power to impose arbitrary extortionate contracts—and remember that the word "extortionate" has nothing to do with the amount involved; it has to do with the method by which that money is extorted by arbitrary powers. The suit came as a bolt of lightning from the blue to ASCAP and I haven't the slightest doubt that ASCAP has learned something out of that suit because ASCAP and its lawyers have said from the start that the government would never act. I shall be surprised if ASCAP doesn't for the time being try to behave.

Mr. Hostetler will tell you the effect of the government's action upon the suit which his firm has started for NAB in the case of Station WIP. I hope Mr. Hostetler will also tell you something of the legal effect on your existing contracts. My unlegal opinion is that it has no legal effect whatever but I do know it has a moral effect. I am convinced that under that suit ASCAP will not continue the arbitrary methods that it has carried on during these two years.

Just as I came up here, one of your members gave me a telegram from Tulsa, Oklahoma, where two of ASCAP's suits against some other victim outside of the broadcasting industry were dismissed yesterday without prejudice by the Federal Court there. I don't blame ASCAP for being careful and I hope that so far as ASCAP is concerned, all its representatives will read the suit because, much to my surprise, I was told here that one of these representatives had begun a campaign of threats and intimidations against broadcasting stations that had refused to accede to ASCAP's demand.

You remember a year ago I brought up the same matter because ASCAP was sensitive to the fact that I used the word "racketeer" and at that time ASCAP's attempts to browbeat stations' advertisers certainly deserved the term of racketeering. I thought that had passed even without the government's suit. I hope now that the government's suit is in, there won't be any such intimidations by ASCAP and if there are, I hope anybody that hears them will see that that evidence is sent to NAB and the Department of Justice.

In any disputes with ASCAP from now on, I do not think you need to fear the arbitrary and high-handed methods that you had to worry about before. I doubt very much whether ASCAP will repeat its threats to cancel a station's license contract because of the dispute over a demand for a list of titles of compositions to be used in the station's program.

Now, there is another angle to this suit that is just as important and effective as the suit itself and that is the fact that these members of ASCAP are now out where they can see with the naked eye the danger of triple damages under the anti-trust laws.

Gentlemen, I have no doubt that as far as ASCAP itself is concerned, the worry that some one will sue that organization for triple damages is not very large. War chests are difficult to reach with triple damage suits. But, some of the members of ASCAP are still pretty well-to-do and some of these publishers have treasuries and it is they who now must count the danger that ASCAP's victims will sue for triple damages.

Some of these members of ASCAP—and I think the large majority of them—have not renewed their contracts with that body. If they now renew their contracts, which are branded illegal by this bill, they no longer can plead innocence if, as and when such triple damage suits are begun against them. The anti-monopoly laws provide that during the pendency of this government suit the statute of limitations, which otherwise might outlaw triple damage suits, stops running and not until that suit is finally disposed will that statute of limitations be operative again.

Not only that, the anti-trust laws provide if the government wins a decision in this case, that that decision shall be a prima facie evidence of its findings in any such triple damage suits which may be brought. This means that if any of you would bring such a suit after the government has won such a decision, all that your attorneys need to do is read to the jury the text of that decision and then prove to the jury how much damage has been done to you. The jury will have to give you a judgment for three times the amount the jury thinks you have been injured.

There is, however, in the law another proviso and this proviso is important because there has been some discussion of a consent decree. I think it was rather unfortunate that it should be inter-

preted as a desire on our part to end the government's case in a consent decree. The gentlemen who are most interested in a consent decree are the members of ASCAP who want to be saved from triple damages because while the law provides that the government's victory may be prima facie evidence, it also provides a consent decree shall not be such prima facie evidence.

I presume there can not be the slightest doubt that every broadcaster is in thorough sympathy with the government's undertaking and that this organization will support the government in every way. That is important also because there are a lot of anti-trust actions in the courts today that have been allowed to go to sleep and this one shouldn't be allowed to go to sleep. I hope that this organization will be able to cooperate with the government in obtaining for it all the testimony that its members have in their files and that it will go farther in mobilizing for the government the testimony of other victims of ASCAP—hotels, restaurants and motion picture owners. All of these have the same interest we have in the suit itself. If it should come to the point that a consent decree is proposed, it will be important that this organization be present when such a decree is written because that decree will set up the new machinery under which these copyrights will be handled, and it is important that this conform to the technical requirements of the situation. It is then more a matter of facts than of law.

I said the Attorney General had written my report but Mr. Mills has also helped to write it. Since arriving here, I found a copy of the Heinl radio letter with the text of Mr. Mills' statement about this suit. Of course, he "welcomes" the suit. I am glad to see that he says nothing could be done by gnashing of teeth and making faces at each other. I have no doubt his statement will be given wide circulation. Mr. Mills was unfortunate when he said that this suit was threatened only because ASCAP would not make a rate for license fees acceptable to the NAB. The question of the rate had nothing whatever to do with it. The question that forced the bringing of this government suit was the demand by ASCAP that royalties be paid regardless of the use of their music and that contracts were exacted which, in the terms of the Attorney General's statement, not only eliminated competition among members of ASCAP but between those members and non-members, and kept compositions of non-members off the air.

Mr. Mills makes again the argument he has made all through these proceedings, that ASCAP is ready at any time to cancel its contract with any member and he sets out the fact that he has received no cancellations as proof that his organization is not only legal but has, in fact, the endorsement of our own members. Now, that offer of cancellation is a fine piece of sophistry. The Federal Trade Commission, to take an analogy, is making an investigation of the milk trust. Supposing in a city where the milk trust has the power almost of life and death, to raise prices as it pleases, it then comes in by way of defense to the Commission with the assertion that its customers are perfectly willing to pay its prices, because it is willing to cancel its contracts and let its customers buy their own milk in the country! Which is what Mr. Mills says—they are willing to cancel contracts and allow us to go out into the country and find our own music! Mr. Mills also says that the copyright owners realize that the broadcasters are among their best customers. It is a belated recognition of a very important fact.

We had a code meeting about a month ago on the music publishers code and in the course of the meeting, Mr. John G. Paine, chairman of the board of that association and a defendant in this suit, made a very frank statement that if the song plugging abuses could be stopped, that the music on radio programs would be improved by bringing in new music. Now, ASCAP insisted on being made a member of the industry in this code. I think that will be overruled. But, this suggestion that the radio programs could be improved by putting in new music, in the light of ASCAP's control against non-members' music, shows how ridiculous their pleadings are. The most interesting thing in that code, however, is the fact that the code was presented by the Music Publishers Protective Association and they suggested that the code authority be elected by the board of directors of that association, every one of whom is a defendant in this suit. When I made a proposal that the code should be amended so that anything the code authority did could not secure immunity under the anti-trust laws, Mr. Paine said in his testimony that we were trying to take from them the only benefit the N.R.A. conferred on his industry. We have carried the matter on to General Johnson and the Department of Justice. You need have no fear that the board of directors of the Music Publishers Protective Association or of ASCAP will elect the code authority.

This brings me to the important point of legislation. We had a brief episode this summer which Mr. Bellows described in his report, a surprise hearing before the Senate Committee on Foreign Relations on a proposal to establish automatic copyright by international treaty. That failed. I doubt if there is much of a chance in the coming session for it because the coming session is going to be a busy one. I think there is no chance for general revision of copyright laws, not in times such as these when Congress has its hands full. But, the filing of the government suit makes it possible to ask for the one legislative remedy that can protect not only us but all victims of ASCAP. The government suit sets forth the fact that ASCAP compels the acceptance of its licenses by threatening infringement suits with a minimum penalty of $250 and attorneys' fees in each case. No matter how innocent is the infringement, no matter how extenuating the circumstances may be, the courts have been compelled in every instance to inflict this penalty of $250 plus attorneys' fees, and that threat has been enough to prevent any assertions of the rights of a music user. For that reason, a campaign should be started now to put just one line into the present copyright laws, a line over which there need be no long argument and no committee hearing, a line that would eliminate from the law the minimum infringement penalty of $250 and leave to the court in each case the right to fix the damages that are proper.

Now, you can guarantee if that is done that a lot of petty racketeering which has been going on along the side lines will be stopped. In that campaign we have already been promised the help of the hotel men's association. I have no doubt that the broadcasters will be able to mobilize the help of all the other victims in obtaining from Congress the elimination of that clause and in such a campaign, you only need one piece of evidence and that is a re-print of the government suit which tells the whole story in language the layman can understand and a Congressman certainly can understand.

There is one other point in this field that has been brought out into the open by this suit and that is the question of music. You have heard from ASCAP throughout these two years that if it weren't for ASCAP there would be no music for the broadcasting stations. The Radio Program Foundation furnishes the machinery for just such an emergency. It has never been put into high gear. There has never been pressure enough. There should be now and it or some other music pool should be organized to make available for the broadcasting industry all the independent music available and if there is a dissolution of ASCAP, the foundation will form the nucleus for a clearing house through which radio can have access to air rights of the former ASCAP members so far as they prefer to deal with the broadcasters.

I do not know, I do not pretend to know who among ASCAP would like to be friends and who enemies, who would like to have their music played and who prefer we shouldn't kill their music by making it profitable but in the skeleton of the music foundation will be found the material for any such reorganization. So far the foundation has dealt chiefly in sub-licensing stations for the recording catalog and I am happy to say we have 199 members who are sub-licensees, which includes the networks, and at present there is something like $2,000 balance in the treasury so the foundation has been able to run along without asking a dollar from NAB.

One thing I should have mentioned before that may have a dollar and cents interest to every member here is the fact that ASCAP has renounced its rights to collect royalties on political programs. I was surprised to be told by a member that he has been paying his percentage of royalties on political programs throughout these two years. All he has to do is rebate that amount on his next check and that will pay a large share of his NAB dues and copyright fund contributions. You will remember we suggested that the stations bill ASCAP royalties on the time sold Congressmen for their speeches. ASCAP quickly sent notice to all the stations that they didn't have to pay any royalties on money collected for political campaign speeches, that that was their contribution to public service. We are now in the midst of a political campaign and I hope you will save all you can.

I would like to offer for the Resolutions Committee three resolutions:

"Be It Resolved: That the officers and directors of the National Association of Broadcasters be instructed to support the suit of the United States Government against the American Society of Composers, Authors and Publishers, the Music Publishers Protective Association and their affiliated defendants to the end

that royalties for the public performance of music may be determined hy free and open competition among copyright owners."

"Be It Resolved: That the National Association of Broadcasters do herehy petition Congress to amend the existing copyright law hy omitting the language which fixes the minimum innocent infringement penalty for the puhlic performance of musical compositions at $250 and attorneys' fees, and leave the Court free, in each instance, to fix such penalty as in its discretion the Court shall deem proper."

"Be It Resolved: That the Board of Directors of the National Association of Broadcasters be and it is herehy directed to organize a music pool, either hy a reorganization of the Radio Program Foundation or otherwise, for the purpose of obtaining for radio broadcasting stations the air rights of such music as may not otherwise be availahle or which may he made more readily available by such a pool, and to enlist the cooperation of all radio stations and their program departments in promoting the widest possible use of such music."

During the last year stations have asked me whether they should take out licenses for the music of the European Stage Authors and Composers. I have declined to give any advice on what catalogs should be taken but I have said this, "If you do take a license for non-ASCAP music, use it. There is no use paying for it if you do not use it." Whether it is lethargy on the part of the program department or for some other reason, I think program departments should be under greater pressure to use the independent music for which license fees are heing paid because every time you put on an independent numher, you are making one ASCAP numher that much less popular and that is the language that ASCAP *can* understand!

And now for a personal word. I have had a grand two years in this fight. I know it has taken longer than you helieved to hring this matter to a point where the government would step out into the open and protect not only the hroadcasting industry hut all other victims of this organization. To me the two years have not heen so long hecause I have heen in other fights like this. It took three years to get the government to sue the radio comhination; it only took a year and a half to hring this ASCAP suit to that point, and I take pleasure in handing you the suit. I hope the hroadcasters will ohtain as a result of that suit a decent livahle atmosphere in the control of this music hecause the suit itself contains a phrase I almost hate to read hecause it has a note of offensiveness in it. Mayhe I should read it after all to let you know how the government feels. The last paragraph says:

"The memhers of defendant Society, through the comhination and illegal pooling of their respective individual copyright monopolies hereinhefore described, have created in defendant Society an instrumentality which has the power to and does dictate to and dominate the radio hroadcasting industry."

That certainly is a challenge to the industry. If I can serve in any way in the fight that is still to come, I shall be pleased to be at your command. (Applause.)

CHAIRMAN SHEPARD: Thank you, Mr. Schuette. Will you give those resolutions to Mr. Bellows? The resolutions will be brought up for action this afternoon.

Is the Elections Committee ready to report?

(The Elections Committee was not ready to report.)

CHAIRMAN SHEPARD: The next order of husiness is the report of Mr. J. C. Hostetler.

MR. HOSTETLER: Would you just as soon turn this thing off? I can he heard in the hack of the hall without it. For a radio convention, it doesn't seem to me it is so hot anyway. (Prolonged applause.)

MANAGING DIRECTOR LOUCKS: What do you mean—the convention? (Laughter.)

REPORT OF J. C. HOSTETLER

BAKER, HOSTETLER, SIDLE & PATTERSON, CLEVELAND, OHIO

(NAB Copyright Counsel)

Well, I am not going to take much of your time hecause I know it is late and your elections take a great deal of time. But, I want to say two or three things.

First, I want to thank you for the completeness with which you complied with the questionnaire we sent out after the last meeting in the South, that is, last year this time. We had replies from a very much greater numher of the memhership than I ever thought we would have. I want to acknowledge and thank you for the confidence you had in mailing to us papers on the operation of your station which I know were highly confidential. And, I want to say in reporting to you that those papers, which we had and examined, have never heen seen hy the examiner of the Trade Commission or any of the agents of the Department of Justice. We have never shown to any hroadcaster or any agency whatsoever any of the documents which we have had the opportunity to examine from your files. I want you to know that and I want you to know I appreciate your confidence in sending them.

Now, I think it would he a mistake and I know Oswald didn't mean to say, "I hand you the government suit." I think it would be a mistake to pass this over without acknowledging the help we have had from you men, and there have heen at least twenty of you who have been very helpful in giving information to the government investigators when they were there, and we have had a great deal of work from Phil and others in producing this result which we now have.

Now, I think there is a time to swing a stick and a time to go easy. This morning your election of Directors was a time to go awfully easy and I think this is. I don't believe it is wise to discuss our suit or negotiations going on to determine measured service for use of copyright.

There is a Copyright Committee for the purpose of allowing me to report to them my conferences with Mr. Mills, and I have had half a dozen over the last two or three months. Personally, I think we are making headway but there is one thing I do want to ask you. Now, lawsuits of any kind are fights. There will, undouhtedly, be a necessity to circularize not only the memhership of this Association hut the hroadcasting industry generally with questions and requests for information and help. It will he done from now on, I presume, in cooperation with the government. But, I do want to ask you when you get those questionnaires, please fill them in as quickly as you can and get them back.

Now, I realize that our interests, to a certain extent, don't run, mayhe, as far and in some cases run farther than others. We have a problem of handling the music and paying for the music which we use. We are undertaking, as we have for the past year, to agree with a usable source of music for a method of paying for it based upon our use of it. We are still trying to do that. Of course, we want that source to he open to everybody who produces music so there isn't any monopolistic feature to it. I do ask you, please, to respond to the questionnaires if and when you get them from Phil. If you are asked to see other broadcasters in your district who are non-memhers and help them get the information together for us that we ought to have, it will cost you very little and it is just a matter of neglect if you don't do it. We are not going to ask anything and if there is any douht in your minds of any competition in regard to questions asked, just wire in and we will get that straightened out. The ohject is to get the information in addition to what we have and what the government has put together and they have, I helieve, a very great deal of it but I haven't yet had time to examine all those files.

Now, the second thing I want to urge is Phil has a plan for either dividing the country into districts composed of two or three states each or having a representative in each state whose duty it shall be to see to it that some hroadcaster in each congressional district of the United States look after the presentation of our problems to the men who are running for the next Congress. Now, that ought to he done—and it ought to he done now. It isn't a matter of any very great difficulty in any particular district; it is very largely a question of organizing. If there is some one person who will be responsihle for a state and then picks the broadcasters wisely in the various districts, let us see that our side of this case is put up early instead of late. I do ask you to cooperate in that.

Now, you have been fine about your fund. Ike will report ahout it. And, there has, I think, been a relatively small amount spent. We are not wasting your money. We are getting some advantages, I helieve. But, what I do ask is that you fellows use a little hit of the power and of the influence you have for yourselves—once! And, don't wait to do it until everything is over and the election is over and Congress is in session and then try to do it at the last minute. Phil has that well under way, I helieve, and if you will just cooperate with him in the organization of congressional district committees or single persons—you don't need more than one person—and it is a very simple thing that you have to explain to the candidates for Congress. You have your federal suit, as Schuette said, and you know what ASCAP has done.

Now, I want to say this: in the interview that Mills has in tbat paper, he says something about headway being made in negotiating some kind of a fair basis. I hope that is so. If we both mean what we say, we have made some advance and so far as I am concerned, I mean exactly what I say and I understand what you all want is to have a system by which you can fairly pay for what you use and you be the judges of what you are going to use and, therefore, what you are going to pay for. Tbat is what we are trying to get. I believe our conferences have gotten farther in the last two or three months than they bave in the whole of tbe year before. I am going to be in New York tomorrow with him. I have no desire to be anything offensive but we are moving and while we are moving, I want you fellows just to keep on getting ready because—well, just because! (Applause.)

CHAIRMAN SHEPARD: Thank you, Mr. Hostetler. We are now ready to receive the report of the Treasurer, Mr. I. D. Levy. (Applause.)

Do you want fireworks?

THE CONVENTION: Yes!

CHAIRMAN SHEPARD: O. K.

REPORT OF I. D. LEVY

NAB Treasurer

(WCAU, Philadelpbia)

Gentlemen, there are not many industries as young as ours whose national associations have become as effective as you have become witbin the past two years.

There was a time when a good many of us, including myself, felt that this was a useless association, a disorganized one, one tbat spent most of its money foolishly, one whose officials felt that the business of the organization consisted in baving a few highballs and telling eacb otber how good you are.

Six or seven years ago I met some of the officials of the Association in New York; convinced them a suit ougbt to be brought against ASCAP; was told to go ahead and file suit; returned home ready to do so only to find a telegram rescinding the vote to bring action. It was effected secretly after I left the meeting and you can imagine how sore and disgusted I was. That's all over now. Today you have presented a united front in copyrigbt and you should have learned tbat when you stick together and fight, that you will then accomplish things.

Last year, from the floor at Wbite Sulphur Springs you volunteered to pay ten per cent. of what you are paying to ASCAP for a period of one year. You have done so and I believe we have enough money to finance this fight to a conclusion and you need not send me any more. (Applause.)

I feel tbat as a result of our efforts, you broadcasters will not be smacked and slapped, and hit and kicked in the future. From now on it's the square deal.

I do not share the fear that if ASCAP is dissolved there would be hopeless confusion whereby we would be compelled to deal with all the individuals who own a piece of music.

The probability is that if ASCAP were dissolved (and I have always believed that it was an illegally operated company), the Court would take into consideration in its decree the fact that we would be bampered until we could be organized and would allow time in its decree so that the American public would be able to receive its music witbout a great deal of confusion.

One thing that ASCAP must get out of their head, if they really believe it (and I can not believe they are really sincere about it) is that we do not want to pay for the music. This was reported by an amusement magazine. It is one thing for them to assume the attitude we do not want to pay anything because we won't pay anything they ask. If carried to its logical conclusion that we do not want to pay anytbing because we do not want to pay what they ask, then they could ask for double of our gross receipts and if refused, say we do not want to pay them anything. All of us should be willing to pay a fair price for music used.

Furthermore, I do not share the belief that ASCAP feel they are going to win this case. It is not so long ago since you remember them flaunting in our face the fact that the Department of Justice had investigated them on many occasions and had given them a clean bill of health. Well, if they thought sufficient of the opinion of the Department of Justice so as to flaunt it in our face then, I know of no reason why tbey should have changed when the Department of Justice decides they are an illegal organization. That Department has not deteriorated in legal ability. From now on they will carry on most of the fight.

ASCAP members have been carrying on for so many years in their arbitrary manner that they have come to believe that they are invincible and, like a king, can do no wrong. They are really deluding themselves into believing the holiness of their operations.

And yet, I do not want the broadcaster to get a bold on ASCAP and I, for one, would oppose any plan which would be beneficial to the broadcaster if it were unfair to ASCAP because it could not be a permanent one and it would not solve our problem.

I was amused when I read in the same Broadway amusement magazine that this suit was timed for our meeting so that we would have something to say to the broadcasters. I don't often read these magazines because I think nine-tenths of all that printed stuff is bunk, but it seems to me that the editors ran short of material. This magazine is the best sheet Mills bas and I suppose when ASCAP is dissolved, Variety will carry the headlines "ASCAP dissolved because it wanted to be dissolved!"

I will oppose abuse by ASCAP as much as any one here but I will always try to be fair.

We have not been asleep during the past year. I attended a number of meetings with various representatives of ASCAP and there were a number of disagreements even among ourselves as to policy. I believe that as a result of our meetings with tbese men. the bitterness existing between ourselves has disappeared and if this is the case, I do not believe we ought to carry a chip on our shoulders. After all, most of our bitterness was caused by unfortunate manners.

ASCAP must re-organize. Tbis is no time to call each other names and heap abuse upon one anotber. What we want to do is work out an equitable arrangement for all concerned.

This is a business proposition and if ASCAP will deal fairly with us, we must be prepared to treat them fairly and not bear any resentment because of our past relationship.

We need their music; we really can not do without it. If there are any broadcasters who believe they could exist without the music now controlled by ASCAP, they are deluding themselves.

There have been a number of people who have tried to form organizations to compete with ASCAP. None of them have succeeded. If ASCAP is dissolved, we will be able to meet that situation in a number of ways.

Our main problems witb ASCAP are, how much are we going to be cbarged for tbeir music and what are they going to do to enlarge their catalog so that we will be able to deal witb one organization!

And there must be a long term contract to prevent these flagrant increases occurring at tbe termination of each contract. In the past, before the ink dried on one contract, we were in dreadful fear that the next one would be a more severe one. They never disappointed us. We became punch drunk and were hanging on the ropes of destruction.

We are going to live with music as long as we are in this business and we can not live contentedly if one side gets the best of the other, and we must be prepared to pay fairly, otherwise there would be no incentive for authors to write.

Botb parties should be contented and tbey can be if they act fairly. My idea would be that sane, reasonable minds, representing the industry, knowing our problems, not theorists, sit down with ASCAP and with the officials of tbe Department of Justice and see if we can not work out something satisfactory so that we can work together harmoniously in the future.

The test as to wbat is tbe right price to pay for their music is not the submission to any whim that may enter their minds but must rest and be measured by what a willing buyer will pay to a willing seller. That sum we should be willing to pay; but we should not be compelled to dance to their music just because we are using it.

One of the main contentions between ASCAP and ourselves was that we were charged fees upon all music used, regardless of whether it was theirs. If investigation of our individual organizations will show what an investigation of Station WCAU has shown, then this is not a serious problem.

We took a sample week and found that 1786 pieces were played, of which only six were not in the catalog of ASCAP. If your survey will show you approximately the same, then I believe that this trouble is not serious because it would be cheaper for us to pay on all than to keep books to determine wbich is their music. If, however, your records show to the contrary, that you are not using a great deal of their muisc, then you should pay for only what you do use, or ASCAP could give the broadcasters the option of paying for what we use and require us to submit statements to them of the use we make of their music.

This organization of ASCAP was born in purity but grew to be a monster. Most of the members of ASCAP desire to do the right thing. Their organization became unwieldy because purposes,

originally good, have developed into malformations. I can fully understand why men like Irving Berlin and Jerome Kern are receiving inadequate sums for their works. But that is not due to inadequate compensation from the broadcasters, but due to the fact that of their whole catalog we only use about one-seventh; and the funds which rightfully should go to them are going to others, some of whom have not written a piece of music for fifteen years and who are still drawing compensation.

Then again, while it is laudable that some music writers are taken care of in ill-health and very decently by the organization, they do that from the goodness of their hearts and to get the joy and thrill of their benevolence really, they should pay for it themselves.

One of the disturbing problems entering into their organization is that organizations like Warner Brothers, Fox, Metro-Goldwyn and Paramount have purchased music companies before the depression at tremendous sums of money; have found them to be failures and now feel that their revenue can come from the broadcasters; and are refusing to sign contracts with ASCAP unless the fees to the broadcasters are increased. It is a strange thing with these people that while they want to oppress the broadcasting industry; when an attempt was recently made to charge a dollar per seat each year in the theatres, instead of ten cents as in the past, it was resisted viciously by the moving picture industry. (The very ones who thought the broadcasters were not paying enough.)

I suppose it is human nature for them on the one hand to yell we are using their music without which we could not exist and yet to refuse to pay their own organizations for the music which they are using.

Now, I am going to digress from copyright for just a moment to say that apart from the fine thing you have done by uniting in copyright, you have also united in some other matters. One—the opposition to selfish individuals who have attempted for their own benefits to usurp some of the time of the broadcasting stations under the guise of educational work.

We must fight this matter as well as others as vigorously as we know how. There will, in the future, be a number of occasions when you will be compelled to make a united front and often wage an aggressive fight. One of the things to be guarded against is dissension within our ranks, whether it be born of petty jealousy or for any other reason.

I didn't know any of this feeling existed until I arrived on Monday. Then I found that strangers, not members, outsiders were attempting to influence this organization in the wrong direction. I found a man representing one of the leading magazines and another person representing a spot advertising agency were accosting different members saying, "Vote for Mr. So-and-so." One of these men had the audacity to say, "I am going to have my own Board of Directors," and "I am going to elect my own President." He had the nerve to approach a member of the Nominating Committee and say to him, "I am depending upon you to put over Mr. So-and-so." I want to say to you that this man did great harm to one of the finest men in our organization by associating his name with this scheme. He was unaware of their conduct. I am proud to call this man my friend and I was hurt to see him dragged into this mire. This impudent, crafty advertising agent had his own selfish purposes. He wanted to impress the broadcasters with his importance, hoping it might lead them to make contracts with him in the future, and he didn't hesitate to use the name of a man loved by all the members and well capable of being President of our organization.

He was assisted by Variety's representative who was spreading his propaganda by being cunning in assuming the election of the man they sponsored and indifferently asking many members who would be the Second Vice President.

Let that never occur again in our midst. Let us help each other but never let an outsider meddle in our affairs.

If these men have any semblance of good taste and decency (and some seem to believe they have), if they are gentlemen and have heard that false appellation placed upon them, then they will never again come to our meetings where their presence is not only offensive but a gross insult to our membership.

I think one of the faults of our membership is that we have never appreciated the efforts of men who have done such good work for our organization. I had hoped that I never would be compelled to remind you that I have worked like a slave on this copyright situation. In addition, we have contributed as much money as any one else and I have not charged any fees or even train fares, hotel bills or any other expenses I have incurred.

I have even taken the chance of sacrificing some of the advantages that WCAU, our station, now holds, for the benefit of this organization. And, it is only human to feel that if you are doing these things as unselfishly as I am that my efforts would be appreciated.

I am willing to continue to do in the future as I have in the past, and it doesn't matter to me whether you appreciate it or not because I am thick-skinned and can take it. But, if you want men in this industry to work for your benefit and mine, you will show your appreciation to them by a little praise now and then, and then you will find that they will do more for you and me.

As far as I am concerned, I want nothing from the organization. The only reason I hold the office of Treasurer is that it is necessary for me to hold that office during our copyright fight. I don't want to ever hold any office in any organization. All I want is to be of service.

I have been at these conventions for the past four years and I have yet to hear from the platform any credit given to the one man who has done more for our industry to make it what it is, to keep it clean, to keep it free from criticism such as the moving picture industry is now suffering; I haven't yet heard a word of public praise or credit for the man who emblazoned the path upon which we travel, for the man who inspired the confidence that the American people now have in us, for the man who, more than any one else, gave the American people the best broadcasting services in the world.

Now, I am not a mush but I know that every one of us here could never have gone forward in our chosen industry if it hadn't been for the diligence, foresight, faultless taste and fine sportsmanship of M. H. Aylesworth—and let us never forget it. (Applause.)

And now, let me throw another thought out to you. We have a number of problems which are affected by legislation of Congress. A great deal of our trouble is due to the fact that you men have not acquainted yourselves with your Senators and Representatives and informed them as to the operation of broadcasting as affecting the public. Therefore, when active lobbyists prowl around Washington, they are frequently able to get the ear of your Representatives who, not being familiar with the real situation, are likely to accept as true the statements of these lobbyists. Just as you all have done your part in copyright, you must do your part to preserve the status of American broadcasting. It is best for you to become acquainted with your Representatives.

Let them come up and see your studio, let them speak to your people on the problems confronting your people who are, after all, their masters. Let them know exactly what you are doing so that they can confront these prowling lobbyists in Washington with facts showing their selfishness and true disregard of the interests of the American broadcasting public.

It is much better for you to do this now, immediately, than to wait and be placed on the defensive to explain matters which have first been given the Senators' ears by others. If, when you return, you delay this, it will never be done, but if you mark this as one of your important matters to be attended to immediately and are persistent in arranging personal meetings with your Senators and Representatives in your cities and states, you will avoid a great deal of trouble in the future.

This is organization. Not only will you be able to prevent legislation harmful to the broadcaster but you will then be able to put through constructive legislation despite unfair opposition, and we have plenty of important problems wherein we must unite. I wish I could impress this on you most forcibly for you must protect yourselves.

We will not meet collectedly again until next year. Rest assured that we will not relax on our copyright fight. We will settle this matter amicably if it is humanly possible to do so; but also remember that if this can not be achieved, we will fight for the knock-out. (Applause.)

CHAIRMAN SHEPARD: Thank you, Mr. Levy. Are you ready with the report, Mr. West?

MR. I. D. LEVY: Just one other thing, men. I will be pleased to tell any of you who wish to inquire as to the exact amount collected. But I hope you will not ask me to make the statement from this platform because it is information of a character that I do not wish the American Society to know. They haven't told their members how much they put up to defend this fight for the same reason.

CHAIRMAN SHEPARD: We have the results of the ballot on Directors for the three-year term. There were 147 ballots counted. There were only two that were thrown out. For a majority, they would need 74 votes. Five secured the majority. Therefore, the five elected are: Alfred J. McCosker, Leo Fitzpatrick, Harry Butcher, John Gillin and Gordon Persons. (Applause.)

We will now proceed with the ballot on the Directors for one

year. There are four names. Three are to be voted for. If you haven't hallots, you can get them at the hallot hox.

The question has been asked whether you can vote for candidates whose names do not appear on the ballot. The answer is "no." You can only vote for three of the four on the hallot.

(Roll call casting of hallots for Directors for one-year term.)

CHAIRMAN SHEPARD: I declare the hallots closed. This afternoon we have the very important business of resolutions. It is now ahout 1:15 o'clock. The meeting this afternoon will be called to order at 2:15 o'clock. If you are interested in voting or talking on the resolutions, please be present because after one of them is voted, that resolution will be closed.

The meeting is now adjourned.

The meeting adjourned at 1:15 o'clock.

SEPTEMBER 19, 1934
Wednesday Afternoon

The meeting convened at 2:35 oclock, Vice President Shepard presiding.

CHAIRMAN SHEPARD: The meeting is called to order. The husiness for this afternoon is the report of the Resolutions Committee. Mr. Henry Bellows is chairman.

MR. BELLOWS: I have been instructed hy the chairman to present first the resolutions that nohody gives a damn about. Will you change that in the transcription?

Resolution No. 1:

"Resolved: That the National Association of Broadcasters hereby extends its hearty thanks to the management of the Netherland Plaza Hotel, to the memhers of its convention committee under the chairmanship of Edwin M. Spence, and to the memhers of the Cincinnati Convention Committee under the chairmanship of Powel Crosley, Jr., for their admirable service in making the Twelfth Annual Convention of the National Association of Broadcasters an outstanding success."

Your committee moves its adoption.

MR. CARPENTER: I second it.

(The motion was put to vote, and was carried.)

MR. BELLOWS: Resolution No. 2:

"Resolved: That the National Association of Broadcasters hereby expresses its sincere thanks to the Hon. Clarence C. Dill, the Hon. Hampson Gary, the Hon. Thad H. Brown, the Hon. Edwin L. Davis, the Hon. Sol A. Rosenhlatt, and the Hon. Russell Wilson for their notahle contributions to the interest and value of the Twelfth Annual Convention of this Association."

Your committee moves its adoption.

JOHN F. PATT (WGAR, Cleveland): I second the motion.

(The motion was put to vote, and was carried.)

MR. BELLOWS: Resolution No. 3:

"Resolved: That the National Association of Broadcasters herehy extends its sincere thanks to the Billhoard for its fine cooperation in the work of the Twelfth Annual Convention."

Our information is that the Billboard organization has done an excellent service in mimeographing, stenographic work and typing. The committee presents that without any recommendation.

MR. CARPENTER: I move its adoption.

MR. HEDGES: I second that.

(The motion was put to vote, and was carried.)

MR. BELLOWS: I am passing over two that I want to take up a little later.

Resolution No. 6 is the usual whitewashing resolution:

"Resolved: That the National Association of Broadcasters, having heard at its Twelfth Annual Convention the reports of its officers and committee chairmen coverning their activities during the past year, hereby accepts and approves such reports."

The committee moves its adoption.

MR. PATT: I second it.

(The motion was put to vote, and was carried.)

MR. BELLOWS: Everything else here is likely to produce a little discussion. No, this next one won't. But, I am sorry that this resolution can't he given when there are more people in the room because I think it ought to be given when everybody knows ahout it. Resolution No. 4:

"Resolved: That the National Association of Broadcasters hereby expresses its cordial appreciation of the efficient, conscientious and ahle service rendered during the past year by its Managing Director, Mr. Philip G. Loucks, and its full approval of the manner in which he has conducted the affairs of the Association's office."

There won't be any discussion. The committee recommends its adoption.

MR. HEDGES: I second it.

(The motion was put to vote, and was carried.)

MR. BELLOWS: The next resolution is introduced at the request of the Legislative Committee. Resolution No. 5:

"Resolved: That the National Association of Broadcasters hereby pledges its full cooperation to the Federal Trade Commission in its efforts to safeguard the people of the United States against all forms of fraudulent, untruthful or wilfully misleading advertising, and urges upon every broadcaster the necessity for maintaining a standard of advertising truthfulness which will justify and strengthen the faith of the puhlic in the dependahility of radio advertising."

Your committee moves its adoption.

MR. HEDGES: I second it.

CHAIRMAN SHEPARD: Any argument?

(The motion was put to vote, and was carried.)

MR. BELLOWS: Resolution No. 7, introduced hy the Cost Accounting Committee:

"Resolved: That the National Association of Broadcasters hereby recommends that the Cost Accounting Committee appointed for the past year by President McCosker be continued with the same personnel until the completion of the standard accounting system which it now has in hand, and that this system he completed, it possible, not later than November 1, 1934; that on the completion of this standard accounting system, the Managing Director is herehy directed to have copies thereof prepared and sent to all member stations, if possible not later than Decemher 1, 1934; that all member stations are advised to make the necessary adjustments in their accounting methods, so far as such adjustments may be found practicable, to hring their methods into conformity with the proposed standard systems."

Your committee recommends its adoption.

MR. LOUNSBERRY: I second it.

(The motion was put to vote, and was carried.)

MR. BELLOWS: Resolution No. 9, from the Commercial Section:

"Resolved: That the National Association of Broadcasters hereby directs the Chairman of its Commercial Section to appoint a committee of five to study what is pertinent information for the advertising agencies and the advertisers who are the buyers of radio advertising, and to invite discussions with representatives of the American Association of Advertising Agencies and the Association of National Advertisers, with a view to setting up a bureau for the broadcasting industry, such committee to report with recommendations to the Board of Directors for action as quickly as possible."

Your committee recommends its adoption.

MR. PATT: I second it.

(The motion was put to vote, and was carried.)

MR. BELLOWS: Now we come to the next one of Arthur Church's resolutions. This one is split. There are five sections in it. I will read the whole resolution hut I think you may want to discuss it paragraph hy paragraph.

Resolution No. 10:

"WHEREAS, there is a need in the broadcasting industry for further standardization of units of sale and rate card practices, be it, therefore

"Resolved: That the National Association of Broadcasters hereby recommends to its members and to the industry:

1. That the units of sale be standardized as follows: one hour, one-half hour, quarter hour, five minutes, one minute transcriptions, one hundred words, half minute transcriptions, fifty words or less.
2. That all quantity discounts be given within a period of one year, with discounts retroactive to the first hroadcast within that year, discounts to apply within the same time classifications.
3. That operating companies or holding companies operating more than one subsidiary he permitted to huy under a group plan allowing discounts for each of the separate companies under a hlanket order to apply even if more than one agency is involved in placing time.
4. That all stations put on their rate cards, in addition to the regular standard units of time, under a separate heading called 'special service features,' such features as time signals, weather reports, sports events, participation programs and any other service features, with an adequate description of what the individual station allows.
5. That no station quote quantity discounts on consecutive times other than 13, 26, 52, 100, 150 and 300."

Your committee presents that resolution without recommendation.

MR. PATT: I move its adoption.

MR. CARPENTER: I second it.

CHAIRMAN SHEPARD: Do you want to adopt it as a whole?

W. W. SMITH (WTAM, Cleveland): Will you repeat the section ahout the time?

MR. BELLOWS: "That units of sale be standardized as follows: one hour, one-half hour, quarter hour, five minutes, one minute transcriptions, one hundred words, half minute transcriptions, fifty words or less."

MR. CARPENTER: Mr. Chairman, is Arthur Church here? I'd like to say in connection with that that some of the memhers of the committee are here and I think prohahly it might answer some questions that might otherwise get into a lengthy discussion if I said that in these meetings attention was called to this: now, some stations may not quote on one minute and hundred word units. If you care to, it is perfectly all right hut on no other classifications other than those mentioned. The reason it was made so complete was to bring it into conformity with the practices of the Committee on Cost Accounting.

CHAIRMAN SHEPARD: The Chair would like to step out of its position and recommend that a rate for two hours should he set up. That has been set up hy hoth NBC and CBS at 1.6 times the hour rate. It isn't on the rate card hut it is a period of time which might be readily figured as taking in a football or hasehall game. I think if carried on the rate cards, it would avoid a lot of special quotations.

I put that out for what it is worth.

MR. BELLOWS: I may say that it was the feeling that while most of it was all right, there was a good hit of difference about some of the features and if voted on now, there might he some dissatisfaction afterwards. We haven't anything for or against it except we know there is a lot of difference of opinion on it. It is easy to get a vote on the thing now and then when you consider it afterwards, think otherwise. We thought it might he better to have it prepared and sent out to the memhers.

CHAIRMAN SHEPARD: That was done in the report of the Commercial Committee. That meeting was held ahout three months ago and everyhody received a copy.

MR. BELLOWS: We have no criticism except we feel if you vote on it now, you may not know what you are voting.

MR. PATT: As a memher of that Commercial Committee, I want to say we have had three meetings and spent a lot of time hashing over this resolution and a good many others. There is a good deal of difference of opinion even in the committee regarding this resolution but I think it represents some progress. Some do not want one minute transcriptions, one hundred words, half minute transcriptions and fifty words or less. But, there are so many stations that have those rates that we didn't want to go on record disapproving those but rather allowing them. A year or two from now we may he ahle to eliminate one or two of these things.

We discussed it back and forth in New York and at the two meetings here. The committee has hecome practically one mind on it and we would like to have you pass on it.

MR. CARPENTER: I would also like to say that this does not make it mandatory that all stations do this—it requests them—and will result in greater uniformity than in the past. I don't feel that it is an irrevocahle step.

CHAIRMAN SHEPARD: What do you think of two hours?

MR. CARPENTER: My opinion is it would help in such special features as you refer to but I helieve the idea is so new that the matter should he left open and those that care to quote on two hours, can do so.

CHAIRMAN SHEPARD: I understand NBC did it as far as a year ago on the operas. I think the idea is if you do that, you avoid a lot of specials.

DR. LEON LEVY: I could see a lot of objections to passing this in the form of a resolution, due to the fact that a lot of the members are ahsent and as suggested hy Mr. Bellows, this may be done in a hurried manner. Inasmuch as there is a lot of doubt as to whether anyhody follows these plans, I would rather see this in the form of a recommendation from the Commercial Committee and not in the form of a resolution.

CHAIRMAN SHEPARD: It has heen turned in in the form of a resolution. Unless amended, we ought to vote on it that way. It can he hroken up, if anyhody wishes.

DR. LEON LEVY: It should he passed as a recommendation and not as a resolution. Mr. Bellows is reading it as a resolution.

CHAIRMAN SHEPARD: It says "recommends."

MR. BELLOWS: I think Dr. Levy's point is that as a resolution, it carries a lot of weight and indicates it is the will of the memhers of the Association, if we pass it. Dr. Levy's point is what we considered. This is a recommendation of the Commercial Committee and not of the Association and if this thing can he referred back to the Commercial Committee with the suggestion that they get it out as their recommendation, the same end will he obtained and the individual memhers of the Association won't he put in the ridiculous position of having voted on a recommendation and then turning around and doing something else if they want to.

DR. LEON LEVY: That is exactly what I mean.

MR. BELLOWS: It has to be in the form of a resolution to he presented in the report of this committee, the Resolutions Committee.

CHAIRMAN SHEPARD: Any further discussion?

MR. CARPENTER: There are some who think the Commercial Committee have done a lot of talking and accomplished nothing. I tell you it was real work to get that uniform thing out of the committee and have it brought to the convention, and if the convention says "no," our work is in vain.

CHAIRMAN SHEPARD: We haven't said "no."

DR. LEON LEVY: The convention isn't saying "no." It is a question of formality—whether this should come out as a resolution or a recommendation.

MR. CHURCH: Mr. Chairman, I was afraid that this point would come up when the original resolution was drafted and I used the word "recommendation" a lot of times for that reason. And, just for the purpose of getting that before the body a little more clearly, perhaps I should re-read part of it in the way in which the Commercial Committee brought it to the Resolutions Committee. Mr. Bellows, in his usual splendid, meticulous manner, made a real resolution of this. But, I was rather afraid this would come up and purposely read my recommendations yesterday in this way:

"WHEREAS, there is a need in the hroadcasting industry for further standardization of units of sale and rate card practices, therefore

"Be It Resolved: That the NAB approve the following recommendations to the members and to the industry:

"1. It is recommended to standardize units of sale as follows: one hour, one half hour, quarter hour, five minutes, one minute transcriptions, one hundred words, half minute transcription, fifty words or less.

"2. It is recommended that all quantity discounts shall be given within a period of one year with discounts retroactive to the first broadcast within that year, and discounts shall apply within the same time classifications," and so forth and so on.

And, if you recall, I recommended yesterday the five recommendations. We must either pass the resolution or refuse it—its passage as the Resolutions Committee brought it before us. But, if we adopt it, we have adopted recommendations to the industry.

MR. BELLOWS: Mr. Church, that is exactly what this resolution says: "the NAB hereby recommends to its members and to the industry," and gives the list of recommendations. The point of issue is whether the NAB does it or the Commercial Committee. I think that is the whole point. This was presented as a resolution to he acted on hy this body. That is the one question that is up now—who does it.

CHAIRMAN SHEPARD: Any further discussion? Are you ready for the question?

(The motion was put to vote. The vote was in douht. A rising vote was taken. The vote was: 17, for; 18, opposed.)

CHAIRMAN SHEPARD: I vote "aye." (Laughter.)

MR. CARPENTER: I call for another vote.

MR. HEDGES: I call for a division.

CHAIRMAN SHEPARD: If we had a substitute motion that this be put out as a recommendation of the Commercial Committee, would that satisfy both sides?

DR. LEON LEVY: I make a motion that the resolution he referred to the Commercial Committee to he put out as a recommendation from the Commercial Committee.

CHAIRMAN SHEPARD: Do you hear that, Mr. Church?

MR. CHURCH: I heard the motion. I wouldn't second it.

DR. LEON LEVY: The idea in making this motion is so that we don't hack down and refuse to abide hy it. In this way it has the backing of NAB but not as a resolution. At the same time, it gives approval to the action of the Commercial Committee.

MR. CISLER: I'll second the motion.

DR. LEON LEVY: It is merely that the membership advises the Commercial Committee that its recommendation be put out as such from this committee.

(The motion was put to vote, and was carried.)

MR. BELLOWS: Resolution No. 11 is from the Commercial Committee:

"Resolved: That the National Association of Broadcasters recommend to all hroadcasting stations the use of standard time exclusively for all radio programs."

Your Resolutions Committee reports this with a unanimous feeling that it can't he done and should not he adopted.

DR. LEON LEVY: I would like an explanation of that.

MR. CHURCH: I prefer that the mover of the motion discuss it. This was moved by Mr. Maland and seconded hy Mr. Fox.

J. LESLIE FOX (WGAR, Cleveland): I think the motion as stated was very clear.

DR. LEON LEVY: *You* think it very clear. I ask how many understand it. If they want it explained, all right. If I am the only one who doesn't understand it, I can talk with you privately.

CHAIRMAN SHEPARD: I would judge it refers to rate. . . .

MR. FOX: The idea of the motion, which Mr. Maland made and which I seconded, was to do away with this twice-a-year upset we have in the business. That was the principal thought. I don't helieve the question of rates was discussed. In view of that, I think the motion does need discussion.

DR. LEON LEVY: If you change to daylight time, it is current local time.

MR. FOX: The trouhle is that there are so few cities that are changing time that it throws the rest of the country out of gear. That was the thought hehind it.

DR. LEON LEVY: If you lived in a daylight saving town, you might see the implications.

HARRY BUTCHER (WJSV, Washington, D. C.): We made a survey through the Census Bureau about two years ago and found in the eastern time zone, three-fifths of the population of that zone live on daylight saving time and the other two-fifths, ahout 20,000,000 people, live on standard time. So, three-fifths live on daylight saving time and two-fifths on eastern standard in that zone. We didn't go heyond the eastern zone.

MR. CARPENTER: You were wise. (Laughter.)

MR. PATT: I'd like to speak in favor of the resolution. For all these years we have heen confronted, those of us who are in cities that are on standard time the year round, with changing schedules, upsetting network schedules and local advertising schedules hecause of this change in time.

We find a great many advertisers drop off at the end of the so-called standard time period and don't come hack until standard time starts in the fall. It has heen a headache for people in cities running on standard time and we think the statistics probahly are that in the eastern, central, mountain and Pacific time zones, there must be 95 per cent on standard time with only 5 per cent on daylight saving time. The only city in the central zone on daylight saving time is Chicago. St. Louis, Denver, Kansas City, all of Ohio and a hig part of Pennsylvania are on standard time.

EARL H. GAMMONS (WCCO, Minneapolis): We have this difficulty every year, this general upset. Some years it has cost us several thousand dollars to make the change. New York sticks to its time and Chicago sticks to its time. We tried to get around it and get daylight saving time hut we found there is a law in Minnesota that prohibits daylight saving time in Minnesota. As I see it, the only thing to do is take it to Congress. While it is an inconvenience, it is a waste of time to take it up here.

MR. FOX: Might I suggest that Mr. Gammons hrought up a suhject which was discussed by the committee. It would he a very fine thing to have Congress make a time allocation. Nohody would care whether it was standard or daylight saving time.

But, in view of the fact the Commercial Committee couldn't do that, this resolution was passed in the Commercial Committee and I think it was the concensus of opinion of the majority that if anything could he done that would do away with this twice a year upset we have, either through the Association or through Congress, it would henefit the industry.

CHAIRMAN SHEPARD: This doesn't do away with the upsets; it merely shifts it from the stations and makes the same upset to the ones on daylight time. So, you still have the upset, isn't that right?

MR. FOX: Yes.

MR. CHURCH: As a matter of fact, I rose to speak on that point. Regardless of the populace served hy daylight saving time, we memhers of the industry are interested in how our husiness are affected by daylight saving time. A majority of us are in locations that do not have daylight saving time. Daylight saving time has extended our summer period from the period we regarded as summer in the years gone by to a period now from May through September—and that is a long summer. I heartily favor the motion.

CHAIRMAN SHEPARD: Are you ready for the question?

MR. CARPENTER: I would like to remark on one other phase. I don't helieve it would he completely shifting the difficulty from one group to another. In cities that are affected, the railroads change their time and the same would apply to broadcasting.

MR. HEDGES: I might add in cities that are affected, your principal trains—the Century, Broadway and others operating hetween those cities—do change their schedules an hour. They do it in the railroad husiness and the same can he done here.

MR. BELLOWS: I'd like to say just one more word for this resolution as the Resolutions Committee looked at it. It seems it didn't accomplish what it intended. It says "recommend . . . the use of standard time exclusively for all radio programs." The prohlem of adjusting local programs to network schedules doesn't seem to he hit by this. This recommends that all hroadcasting stations run on the same time and you get hack to what Dr. Levy said—we can't see that any station is going to sell its local time where it has daylight saving time on a standard schedule.

MR. FOX: If I am not mistaken, that was to read "broadcasting companies" instead of "hroadcasting stations."

MR. BELLOWS: This is the form in which it was presented to the Resolutions Committee.

MR. CHURCH: I don't rememher that it was "hroadcasting companies."

CHAIRMAN SHEPARD: Are you ready for the question?

(The motion was put to vote. The vote was in doubt. The motion was put to a rising vote. The vote was: 16, for; 23, against. The motion was lost.)

MR. BELLOWS: Resolution No. 12.

"Resolved: That the National Association of Broadcasters establish and maintain an agency recognition hureau at the Washington office of the Association, and that such machinery as may he necessary be set up by the Managing Director with such funds as may he deemed necessary and approved by the Board of Directors as a part of the regular annual hudget; that, in general, agency recognition be extended to only those agencies which can satisfy the hureau as to credit responsibility, character of operation and radio service facilities; that said hureau he given full power to study applications of agencies for such recognition and to determine whether or not such recognition should be extended, subject to approval of the Board of Directors; and that the hureau furnish a list of those agencies which are extended recognition, together with all supplements thereof, with the strong recommendation of the Association that its members pay agency commission only to those advertising agencies extended recognition by the said bureau."

Your committee reports this without recommendation.

MR. CARPENTER: I move its adoption.

(The motion was seconded by several, was put to vote, and was carried.)

MR. BELLOWS: Resolution No. 13, from the Commercial Committee:

"WHEREAS, the Code Authority regulations permit the granting of special rates with the sole proviso that these rates he filed with the Code Authority, and

"WHEREAS, it is the belief of the Commercial Committee that such special rates may he used as a means of making concessions contrary to the intent of stahilized rates provisions of the code,

"Be It Therefore Resolved: That the National Association of Broadcasters petition the Code Authority to take steps to amend and clarify or to repeal its regulations permitting this practice."

This resolution is reported from your committee without recommendation.

CHAIRMAN SHEPARD: I would like to say a word on that. The Code Authority would he glad to have your recommendation. There is no ohjection on the Code Authority's part to having it.

MR. PATT: I move its adoption.

PHIL J. MEYER (KFYR, Bismarck, North Dakota): I second that motion.

(The motion was put to vote, and was carried.)

MR. BELLOWS: Resolution No. 14-a.

"Resolved: That the National Association of Broadcasters herehy reaffirms the resolution adopted at its 1933 convention referring to the elimination of announcements for electrical transcriptions produced especially for broadcasting, and directs the convention Resolutions Committee to draft an appropriate resolution for this purpose to be transmitted to the Federal Communications Commission."

I may say that Resolution No. 14-h is a draft prepared so that we would he ready in case you pass this resolution which is 14-a. On the other hand, the action is on 14-a. This is presented without recommendation.

MR. CARPENTER: I move its adoption.

(The motion was seconded by several.)

MR. PATT: Last year at White Sulphur, after considerable discussion, the convention passed a resolution asking the Federal Radio Commission to remove its requirements that broadcasters announce these electrical transcriptions. No action was taken by the Commercial Committee; simply suggesting that we reaffirm our resolution to the new Federal Communications Commission.

The chief argument given last year was that these programs cost a lot of money to produce and hy tacking on that phrase, it causes a lot of good business to he lost to the stations.

MR. GAMMONS: I spoke against that resolution last year at White Sulphur and haven't changed my opinion in the last year—I am still against it.

In the first place, I have every reason to believe it is going to get us into difficulties with the American Federation of Lahor.

Secondly, it is going to keep you more and more from selling live local talent.

Third, it is not going to help you maintain the individuality of your station.

Electrical transcriptions are good and they should not be ashamed of the title. As far as I know, we have never lost any business because of them. But, I am still against it.

CHAIRMAN SHEPARD: Anybody else want to speak? Are you ready for the question?

MR. CHURCH: Mr. Chairman, would it be well to read Resolution No. 14-h before the vote is taken?

MR. BELLOWS: I think it would he better to get the first resolution out of the way. Then you can act on Resolution No. 14-b any way you want. This merely reaffirms that—and then tells the Resolutions Committee to do something.

The motion was put to vote. The vote was in doubt. A rising vote was taken. The vote was: 33, for; 19, against. The motion was carried.

MR. BELLOWS: Your Resolutions Committee, assuming your action would he favorahle, prepared the resolution it was told to, which is as follows. This is Resolution No. 14-h.

"Resolved: That the National Association of Broadcasters hereby reaffirms the following resolution adopted at its 1933 annual meeting:

" 'WHEREAS, The use of the electrical transcription method of broadcasting programs is generally accepted by hoth stations and by listeners and has become an important economic factor in the operation of broadcasting stations; and

" 'WHEREAS, There is definite evidence of serious loss in income to stations hecause of existing requirements that electrical transcription programs must be so announced; and

" 'WHEREAS, There has been sufficient progress in the manufacture of electrical transcription programs that the reproduction of the majority of such programs are now generally considered as excellent; and

" 'WHEREAS, The broadcasting industry would be greatly benefited hy the removal of existing restrictions, therefore, he it

" '*Resolved:* That the National Association of Broadcasters herehy respectfully urges the Federal Radio Commission to alter the existing regulations requiring that electrically transcribed programs made especially for broadcasting be so announced, so that such transcriptions may he announced merely as a production of the concern making such transcription.'

"Resolved, further; That the National Association of Broadcasters hereby directs its officers to bring this resolution without delay to the attention of the Broadcast Division of the Federal Communications Commission, and to take whatever steps may he necessary and practicahle to secure prompt revision of the regulations in accordance with this resolution."

The committee reports that without recommendation.

MR. CHURCH: Mr. Chairman, a year ago this motion was passed and the following words were added to the original resolution—and I am wondering whether this group may not wish to amend the motion made to strike out these words: "so that such transcriptions may be announced merely as a production of the concern making such transcription."

I am not making a motion to that effect because it makes little difference to me which way our motion is reaffirmed but I do think it should be reconsidered from the standpoint it is possible to give one transcription organization a very great amount of publicity by making this requirement that was added by us this last year.

MR. BELLOWS: I may say the resolution presented by the Commercial Committee specifically reaffirmed the resolution passed hy the convention last year so we merely lifted the motion passed last year and stuck it in here. If you change it, that would require a reaffirming of that.

MR. CHURCH: That is why I raised the question—asking for information.

CHAIRMAN SHEPARD: Nohody has moved the adoption.

MR. HUBBARD: I move the adoption of the resolution presented hy Mr. Bellows without the particular phrase ahout different transcription concerns, striking out that clause and adopting the resolution.

MR. CARPENTER: He refers to the clause starting with "so that."

MR. BUTCHER: I second the motion.

(The motion was put to vote, and was carried.)

MR. BELLOWS: Another resolution, Resolution No. 15:

"WHEREAS, The National Association of Broadcasters recognizes that merchandising of radio programs and assistance in merchandising of the products of advertisers stimulate the use of hroadcasting as an advertising medium and enhance the value of the medium, he it, therefore,

"Resolved: That the National Association of Broadcasters hereby urges the fullest possihle cooperation in merchandising that is consistent with good business practices; but since the merchandising requirements of advertisers are wholly lacking in uniformity the Association recommends, in fairness to all advertisers, that the cooperation of the stations be limited to such activities as do not entail direct expense, and that where any direct expense is involved, such costs he horne hy the advertiser."

Your committee presents this with considerable douht as to what it means because the committee in considering the rates came to the conclusion that any merchandising effort involved some expense but we raised that one question regarding it.

CHAIRMAN SHEPARD: Mr. Church, do you want to speak?

MR. CHURCH: Yes, only hecause I agree with Mr. Bellows that the wording of this resolution is not as clear as it might he and I am sorry that Mr. Bellows didn't make it more clear in redrafting the motion.

This motion does not mean to discourage merchandising but it does mean, as I understand the committee's action, that where direct expense is involved in merchandising, that the advertiser pay for such expense and not the station pay such expense.

Practically every station maintains a merchandising department or service department or a department of that kind and has salaried employees for the servicing, the promotion of the account. Indirect expense is involved by the station. This motion, as I understand it, encourages the merchandising and that all direct expense incurred in merchandising be paid by the advertiser and not be given as a bonus by the station.

MR. PATT: In further clarifying that, I believe in discussing that in the Commercial Committee, we pointed out two or three illustrations. A radio station under this resolution could have one of its employees in the commercial department or the station manager address a sales meeting, for example, of an advertiser. That would be perhaps on the company's time. That would he considered as indirect expense and there would he no charge for that. Or, somebody might prepare a suggested letter to go to the trade hut the letter itself and the postage would he paid for by the advertiser. That would he indirect expense. The sales promotion or merchandising department of some of the networks might prepare suggested types of newspaper copy which would accompany the radio program. The newspaper advertising, of course, would be paid for hy the advertiser and, as suggested, might entail indirect expense on the station's part, to he borne hy the station.

MR. HUBBARD: To save time, can't Mr. Bellows change that?

CHAIRMAN SHEPARD: "It says "as do not entail direct expense."

MR. RUSSELL: Does that have any relation to the code at all?

CHAIRMAN SHEPARD: It does to this extent, I think. I am going by memory hut I helieve in the code you can not give any service to advertisers which might be construed as a honus that is not availahle to other advertisers.

MR. RUSSELL: I merely raised the point because there has been that inference.

CHAIRMAN SHEPARD: I don't think this has been a violation of the code. I think it may strengthen it.

MANAGING DIRECTOR LOUCKS: The resolution as it stands is more or less a declaration of policy on the part of the Association. If it were to go to the Code Authority, the Code Authority would be required to adopt a formal provision in the code or reject it entirely. I doubt if the Code Authority or the Association have enough information to promulgate a suitable rule. However, I think a statement on the Association's policy would be helpful in eliminating a practice which might become very dangerous as time goes on.

ARTHUR J. KEMP (KHJ, Los Angeles): I was formerly in the newspaper business where this idea of merchandising originated and there is not one of them but would be very, very happy to get out from under the terrible outcome it will lead to. In merchandising, you start with a small thing and then your competitor does more and the first thing you know, you are in for $35,000 or $40,000 a year, and the management gets the damnedest burning you ever got.

CHAIRMAN SHEPARD: This doesn't prohibit salary expenditures, am I correct?

MR. CHURCH: Yes.

MR. BELLOWS: Just one further word in explanation of the Resolutions Committee not recommending the adoption of this resolution, although we didn't recommend against it. We felt it is one of those things very easy to say and after you have said it, might sometime come back to plague you. On the other hand, we couldn't see that it would have very much effect if you didn't say it. We agreed it probably wouldn't do much harm or good but might come back to plague you sometime when you didn't want it. That is our only reason for not recommending the adoption.

MR. CARPENTER: Mr. Chairman, I disagree with Mr. Bellows and believe it will at least accomplish something. When a client wants you to get out 200 letters for him, if we have to spend money, we can say, "We're sorry but that is the same as a cut on your rate." It will do that much good at least, which is more than we have now.

MR. SHERWOOD: I think it is the sense of this meeting to thrash out our mutual views to our mutual advantage. Every one of us wants every resolution to mean something. If we vote here for this resolution or sit quietly by and don't vote for it and it comes home to roost, then we have only ourselves to blame and we have defeated the very object of this Association.

I oppose this on the ground that merchandising is a definite part of advertising in every medium. I do not feel that our industry has reached the point where it has worked out reasonable standards and it is premature to have a declaration of policy on a matter which many of us as individual stations have not settled on.

WALTER J. DAMM (WTMJ, Milwaukee): Mr. Chairman, Bill Hedges and I have been in the newspaper business and I believe he will agree with me that merchandising service is the most abominable thing you can get into. We'd like to get out and still aren't out after ten years. As Mr. Kemp said, you can start in a small way and in good faith, but you don't know where to stop and you don't know where the other fellow is going to stop. (Applause.)

MR. HEDGES: Mr. Chairman, having been somewhat responsible for the language of that resolution, I want to speak in its behalf. It was left in general terms because the merchandising set-up differs at stations materially. Where the stations have merchandising departments as such, it has not been regarded as a direct expense. However, our desire is to make a declaration of policy against something for nothing. Your station may be set up with a merchandising department. If not, undoubtedly your merchandising is done by your station manager and something has to be done for the advertiser. But, the advertiser has to be served notice by this industry that anything involving direct expense should be borne by the advertiser. I think it is somewhat dangerous to try to amplify the language and try to be specific. I believe the Code Authority is the place for that. I think it is a declaration of policy and a sound one.

CHAIRMAN SHEPARD: We haven't had a motion on this resolution.

MR. GILLIN: I'll move to adopt.

MR. HEDGES: I'll second it.

(The motion was put to vote, and was carried.)

MR. BELLOWS: We have two resolutions which were handed in just before the meeting. Although they are different as to dates, I will read them together because they have to be discussed together.

Resolution No. 16-a.

"WHEREAS, The custom of the National Association of Broadcasters to hold its annual convention during the fall months works a hardship on its members who find it difficult to leave their duties during one of the busiest seasons of the year, and

"WHEREAS, The conveniences and interests of the great majority of members would be best served by holding the annual convention during the early summer months,

"Therefore, Be It Resolved: That this convention direct its Board of Directors to schedule the 1935 convention during June or July on such dates considered best by the Directors."

The other is Resolution No. 16-b:

"Resolved, That annual meetings of the National Association of Broadcasters be held in the months of July or August."

Your committee has not had a chance to consider either because they came in late. I think the committee would be inclined to move 16-a—that is, the June or July.

MR. CARPENTER: I move its adoption.

MR. BELLOWS: That was moved by the committee.

MR. GILLIN: I second it.

(The motion was put to vote, and was carried.)

MR. BELLOWS: The other one is dead on the face of it.

We have three resolutions presented by Mr. Schuette.

"Resolved: That the officers and directors of the National Association of Broadcasters be instructed to support the suit of the United States Government against the American Society of Composers, Authors and Publishers, the Music Publishers Protective Association and their affiliated defendants, to the end that royalties for the public performance of music may be determined by free and open competition among copyright owners."

The committee moves its adoption.

MR. SPENCE: I second the motion.

(The motion was put to vote, and was carried.)

MR. BELLOWS: Resolution No. 18, presented by Mr. Schuette:

"Resolved, That the National Association of Broadcasters hereby petition Congress to amend the existing copyright law by omitting the language which fixes the minimum innocent infringement penalty for the public performance of musical compositions at $250 and attorneys' fees, leaving the Court free, in each instance, to fix such penalty as in its discretion the Court shall deem proper."

The committee moves its adoption.

MR. GILLIN: I second that.

(The motion was put to vote, and was carried.)

MR. BELLOWS: The third resolution presented by Mr. Schuette is Resolution No. 19:

"Resolved: That the Board of Directors of the National Association of Broadcasters be and it is hereby directed to organize a music pool, either by a reorganization of the Radio Program Foundation or otherwise for the purpose of obtaining for radio broadcasting stations the air rights to such music as may not otherwise be available or which may be made more readily available by such a pool, and to enlist the cooperation of all radio stations and their program departments in promoting the widest possible use of such music."

The committee recommends its adoption.

MR. SPENCE: I second the motion.

CHAIRMAN SHEPARD: Any discussion? What does that run into in the way of money?

MR. BELLOWS: It doesn't run into anything as it stands.

(The motion was put to vote, and was carried.)

MR. ROGERS: Mr. Chairman, I have a resolution I'd like to submit at this time.

CHAIRMAN SHEPARD: There are one or two more resolutions here that have been presented to the committee. Will you wthhold yours for the time being?

MR. ROGERS: Then I'd like to submit it a little later.

CHAIRMAN SHEPARD: Before we complete the resolutions, The Chair would like to take just a moment at this time to report the results of the vote for Directors for one year.

The total number of ballots cast was 121. Necessary for election, 61. The following three all received more than the majority and are hereby declared elected: Stanley Hubbard, Harold Wheelahan and Powel Crosley. (Applause.)

At the start of this meeting, there was a resolution read and adopted but as there were very few present, I think it is only due the person that it is about to read it to a larger audience. It has already been adopted.

"Resolved, That the National Association of Broadcasters hereby expresses its cordial appreciation of the efficient, conscientious and able service rendered during the past year by its Managing Director, Mr. Philip G. Loucks, and its full approval of the manner in

which he has conducted the affairs of the Association's office." (Prolonged applause.)

Now, Mr. Bellows.

MR. BELLOWS: Two more resolutions. This resolution was submitted by Deane S. Kintner:

"WHEREAS, There has been presented at the Twelfth Annual Convention of the National Association of Broadcasters an exhibit of the new 'Crippled Children Broadcasting Chain,' comprising nearly one hundred stations which are using on the air the weekly Radio Bulletin issued by the International Society for Crippled Children, Elyria, Ohio, and

"WHEREAS, This bulletin is available to all stations without charge and consists of latest authoritative information to the public on the care, cure, education and prevention of crippled children.

"Be It Resolved: That the National Association of Broadcasters hereby expresses its interest in this new source of sustaining program material as still another type of public service which is being rendered by the broadcasting industry."

Your Resolutions Committee considered this and very regretfully suggest that it be not adopted simply because it opens the way to every known kind of request of this sort to the Association. While everybody has sympathy with this work, your committee feels it can not go on record supporting one thing of this kind without opening the way to all kinds of requests of this sort, so your committee recommends it be not adopted.

CHAIRMAN SHEPARD: You have heard the suggestion of the committee. Does anybody want to make a motion?

MR. WILLIAMSON: I move it be not adopted.

DONALD WITHYCOMB (KPO, New York): I second it.

(The motion was put to vote, and was carried.)

MR. BELLOWS: The next is Resolution No. 8. I held this for the last.

"Resolved: That the National Association of Broadcasters hereby approves and adopts an amendment to the by-laws of said Association which was duly submitted to its members in advance of the meeting at which this resolution was adopted, as provided by said by-laws, said amendment being as follows:

"To repeal By-law No. 1, and substitute therefor the following:

"Effective October 1, 1934, *quarterly* dues shall be payable each January 1, April 1, July 1 and October 1, on the following basis:

"(a) Each member operating stations authorized to operate 40 hours or less per week shall pay a sum equal to one-third of the highest rate published by such member for one quarter hour of broadcasting time.

"(b) Each member operating stations authorized to operate 41 to 60 hours per week shall pay a sum equal to one-half of the highest rate published by such member for one quarter hour of broadcast time.

"(c) Each member operating stations authorized to operate 61 to 80 hours per week shall pay a sum equal to two-thirds of the highest rate published by such member for one quarter hour of broadcast time.

"(d) Each member operating stations authorized to operate 81 hours or more per week shall pay a sum equal to the highest rate published by such member for one quarter hour of broadcast time."

Your committee moves its adoption.

MR. DAMM: I second the motion.

CHAIRMAN SHEPARD: Any discussion?

(The motion was put to vote, and was carried.)

CHAIRMAN SHEPARD: That is the end of the committee's report.

CLARENCE W. HAYES (WHBC, Canton): I have a resolution I should like to present to the convention.

CHAIRMAN SHEPARD: The rules under which this convention is run, which were written by the Executive Committee, clearly state that all resolutions must be presented in writing. The Chair can not recognize any resolution not in accordance with those rules.

MR. HAYES: This does not have anything to do with the activities of the Association.

CHAIRMAN SHEPARD: I am sorry but you are out of order. We will be glad to receive it if you pass it up in writing.

The Chair would once again like to call your attention to the fact that there will be a code meeting in this room tomorrow morning at ten o'clock. I hope you will plan to stay over and be present.

(President McCosker took the chair.)

ARTHUR C. PRITCHARD (WWL, New Orleans): Mr. Chairman, a point of order. The Chairman just ruled that a resolution could not be presented because it was not submitted in writing. I don't believe he understood what the gentleman wanted to present. This resolution pertains to the death of a member.

PRESIDENT McCOSKER: Is this a message of condolence?

MR. HAYES: Yes.

PRESIDENT McCOSKER: I don't like to reverse the ruling of my predecessor but I believe we should consider a message of condolence.

MR. HAYES: Mrs. Melrose of Station WJAY was here at the convention. As you may know, Grant Melrose died about a week ago and I think it would be fitting for the convention to send some message of condolence.

MR. HUBBARD: Let's have it put in the form of a resolution and include Pat Convey and all others who have passed on.

MR. GILLIN: I second the motion.

(The motion was put to vote, and was carried.)

PRESIDENT McCOSKER: The installation of officers suggests to me both a pleasant and unpleasant duty.

Before asking these gentlemen newly elected to come to the stage, I want to take just a moment to say a very sincere and very personal word of thanks to you all first for the honor that was conferred upon me two years ago and continued last year and, secondly, I want to say a very sincere word of thanks not merely of polite speech but one which I feel very earnestly and very deeply to the associates I have had in office. Their help has been invaluable; it has been continuous and it was spontaneous. And, in view of the fact that the only fellow I ever knew who got any place alone said "We" in naming his plane, I feel that any progress that has been made has been made merely with my assistance and not on my own initiative by any means.

Now, I think sign-off speeches should be short. I want you to know that while I am not continuing in office, I am continuing as a member of the Board of Directors and I will make an effort to exert what influence and effort I may be able to be permitted to exert, due to my regular activity at WOR, but this is in no sense a sign-off of interest—it is merely passing out of the presidency.

Thank you.

(The convention arose and applauded.)

PRESIDENT McCOSKER: I would like to have the newly elected officers and newly elected members of the Board of Directors, please, come forward.

Mr. Loucks impressed upon me the informality which has characterized the installation of officers and I wouldn't depart from that informality. That is not my intent. I do want to say a word, however, about Mr. J. Truman Ward who is succeeding to the presidency. I have known Mr. Ward more by observation than by intimate contact. I would have preferred to have had a great deal more contact with Mr. Ward than I have had but such contact as I have had in the last several years as an associate on the Board of Directors leads me to say very sincerely that I think we are all to be congratulated on his election to the presidency and his acceptance thereof. He is an earnest, intelligent, high class gentleman, in my opinion. He is Vice President of the Life and Casualty Insurance Company of Nashville, Tennessee, and Executive in Charge of WLAC since its inception in 1926. He is a native of Nashville, a man who worked up through the ranks, commencing as agent for the insurance company in 1922. He was elected a member of NAB in 1929 and has signalized his residence in Nashville by a tremendous amount of civic endeavor, and I am very, very happy to present him to you as the new President.

(The convention arose and applauded.)

PRESIDENT-ELECT WARD: Mr. Chairman, ladies and gentlemen, and members of the National Association of Broadcasters: I assure you that I appreciate more deeply than I can tell you the confidence which you have bestowed in me by your action yesterday and by the honor which you have paid me. I want you to know, however, that I will not rest upon the honor or take too lightly the obligation which has been placed upon me. I fully realize the pressing problems of the Association. I fully realize that the Association is larger than any individual or any group within the Association. It will be my purpose to work for the Association. So far as I know, I was not nominated or elected by any individual, any group or any clique either within or without the Association. I pledge you that, that being true, I will work to the best interests of the Association to the very best of my ability.

I fully appreciate also the responsibility which I have in following in the footsteps of your former President, Mr. Alfred J. McCosker. His success in office, the way in which he has led the Association through the trying problems which he has faced during the past two years, is indeed commendable and I fully realize that

my job, if anything, is made all the more hard by attempting to follow in his footsteps.

I deeply appreciate that which he has said of me and I can certainly return it of him 100 per cent. He has my highest respect and in filling the office of President of this Association for the next year, I am not only going to need his assistance but that of my fellow officers and members of the Board of Directors and every one of the members of the Association.

Again I pledge to you to work at all times in your best interest. I am going to take this job seriously. I have no axe to grind. I have no selfish motive. My only purpose is to do the best I possibly can for you and for the Association.

Again let me express to you my appreciation of the position you have given to me and I pledge to you my very best efforts.

(The convention arose and applauded.)

PRESIDENT-ELECT WARD: Thank you, gentlemen. I am now going to present to you our First Vice President. He needs no introduction to this group. Mr. Lambdin Kay of WSB, Atlanta, Georgia—"Covers Dixie like the dickens."

LAMBDIN KAY (WSB, Atlanta): I am grateful for the kindness of the members in electing me to this office. I don't know whether there are any degrees of merit in the vice presidency but I will attempt to qualify as the most silent Vice President you have had in the history of NAB.

PRESIDENT-ELECT WARD: I am sorry Mr. Myers our Second Vice President, is not in the audience. Mr. Myers has worked diligently as a member of the Association. He was very active on the Board last year although he lives on the far West Coast in Portland. He has come to all of our meetings, has supported the Board and members of the Association most actively, and I am sure he is going to make a most worthy Vice President of your Association.

I do not see Mr. Ike Levy, but certainly he needs no introduction to the members of this Association. His work is well known to you all.

And now, the new members of the Board for the three-year term. Of course, you know Mr. McCosker. Mr. Leo Fitzpatrick is not present on the platform and I do not see him in the room. Mr. Harry C. Butcher is the Manager of Station WJSV, Washington. (Applause.) Mr. John Gillin of WOW, Omaha. And, Mr. Gordon Persons of WSFA, Montgomery, Alabama.

Now, those elected for the one-year term are Stanley Hubbard of KSTP, St. Paul; Mr. Wheelahan of WSMB, New Orleans; and Mr. Powel Crosley of WLW, Cincinnati, who, unfortunately, is not with us this afternoon.

I am sure the various members of this Board are going to give me their fullest cooperation and that we are all going to work for you in your best interests.

Is there any further business to come before the meeting before adjournment?

ANNOUNCEMENTS BY MR. SPENCE

DIETRICH DIRKS (KFAB, Lincoln, Nebraska): Ed Spence has contributed largely to the pleasure of this convention. I think we should give him a rising vote of thanks.

(Rising vote of thanks to Ed Spence.)

PRESIDENT-ELECT WARD: Certainly no one has contributed more to the success of this meeting than has Mr. Ed Spence and I want to tell you it is more or less a thankless job, and he has done everything to make this one of the most successful conventions we have ever had.

ANNOUNCEMENTS.

PRESIDENT-ELECT WARD: If there is no further business, a motion to adjourn is in order.

The meeting adjourned at 4:10 o'clock.

ADJOURNMENT SINE DIE

The National Association of Broadcasters

NATIONAL PRESS BUILDING ★ ★ ★ ★ ★ WASHINGTON, D. C.

PHILIP G. LOUCKS, Managing Director

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BROADCAST ADVERTISING IN OCTOBER

Developments of the Month

BROADCAST advertising volume in October was the most encouraging in recent months. Total time sales amounted to $7,377,084, a gain of 39.3% above September. Regional networks continued their remarkable growth of business of recent months, while national network volume rose 77.0% as against September. National spot broadcast advertising increased 60.0% during the month, and local volume 27.8%.

Comparison with 1933

Broadcast advertising during October of the current year was 28.5% greater than during the same period of 1933. National network advertising was 39.5% greater than during the same period of last year. Regional network advertising was materially higher in volume, while national spot business showed an increase of 17.3% over last October. National network advertising during the current month totaled $4,527,002, a figure 5.5% greater than March, 1932, the previous peak of network advertising.

Following an unfavorable showing in recent months, local broadcast advertising in October finally exceeded that of the same period of the preceding year, rising to 7.0% above October, 1933.

If present trends are maintained, which seems probable, total broadcast advertising for the year should be approximately 15% greater than 1933, though still somewhat below the 1931 high for the medium.

Comparison with Other Media

National magazine advertising in October was 14.7% greater than in the preceding month, and 12.5% higher than in October, 1933. National farm paper advertising showed a 5.0% increase over September, but remained at approximately last year's level. Newspaper advertising was 13.0% above September volume, and 2.7% higher than last year.

Other Trends of the Month

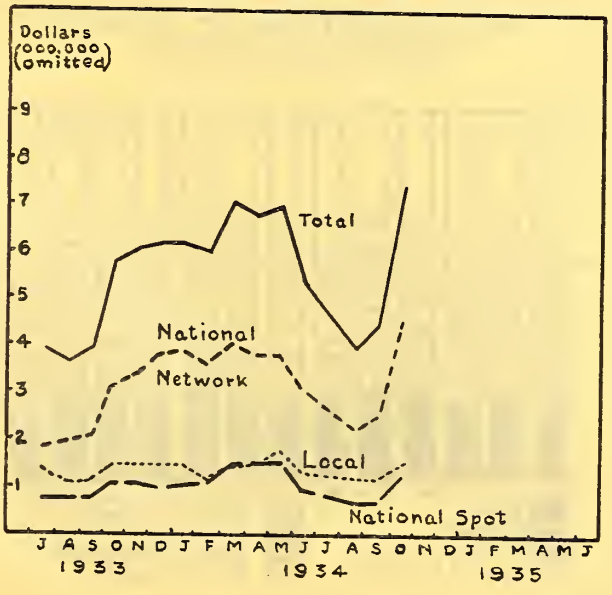
Regional stations showed the greatest increase in business during the month, experiencing a gain of approximately 50% over September. Clear channel and high powered regional non-network volume was 2.0% above October, 1933, regional volume 24.5% higher, and 100-watt station volume 7.6% greater. All sections of the country gained materially in non-network advertising. The New England-Middle Atlantic area volume was 52.6% above October, 1933. Southern advertising was 10.0% greater, Mountain and Pacific advertising 3.6% above the same month of last year, while a slight recession occurred in the Middle West.

All forms of rendition gained materially over the preceding month. National spot live talent broadcasts were 61.1% greater than last October, and local live talent volume was 33.9% higher than last year. National spot announcement volume showed a decline of 17.2% as against the same period of 1933, while record volume declined materially. Electrical transcription business and local announcements remained at approximately the October 1933 level.

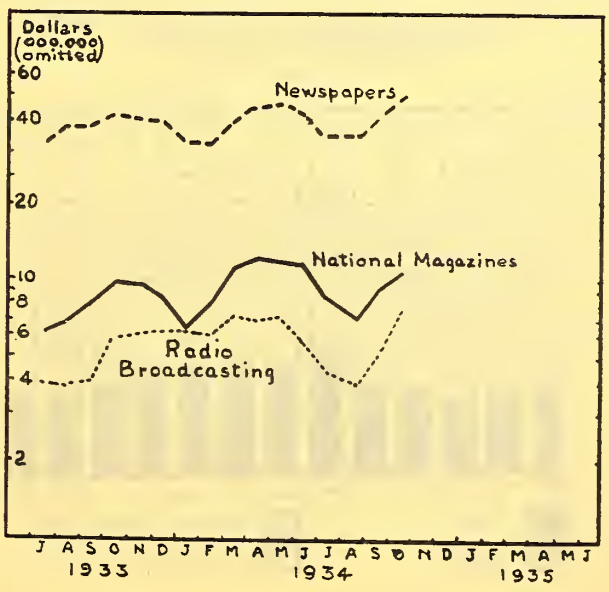
Broadcast Advertising Sponsors

Marked increases in broadcast advertising occurred in most industrial groups as compared with the preceding month. In the national network field heaviest increases occurred in the automotive, drug, cosmetic, food, confectionery, radio and tobacco lines. The most important national spot increases took place in drugs, clothing, food, radio and tobacco. Local advertising increased most

RADIO BROADCAST ADVERTISING VOLUME
July, 1933, to June, 1935

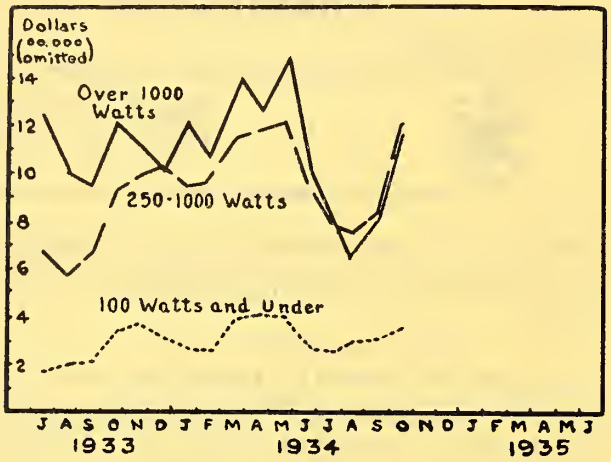


ADVERTISING VOLUME MAJOR MEDIA
July, 1933, to June, 1935



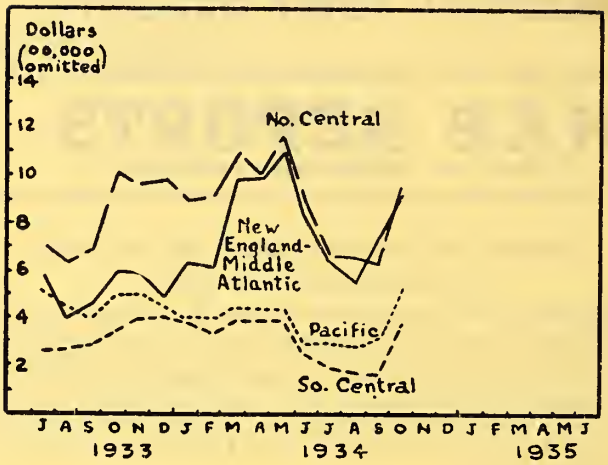
NON-NETWORK ADVERTISING BY STATION POWER

July, 1933, to June, 1935



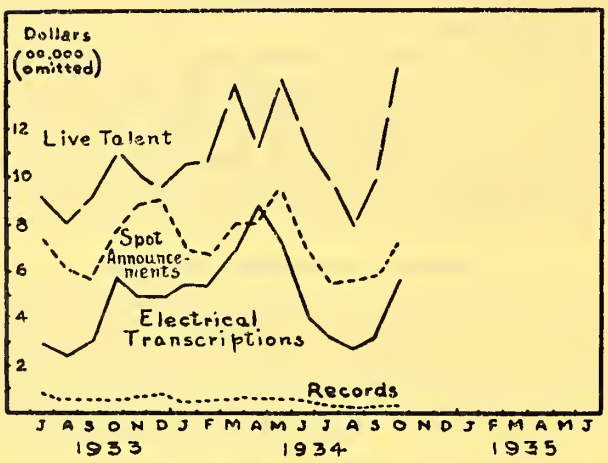
NON-NETWORK ADVERTISING BY GEOGRAPHICAL DISTRICTS

July, 1933, to June, 1935



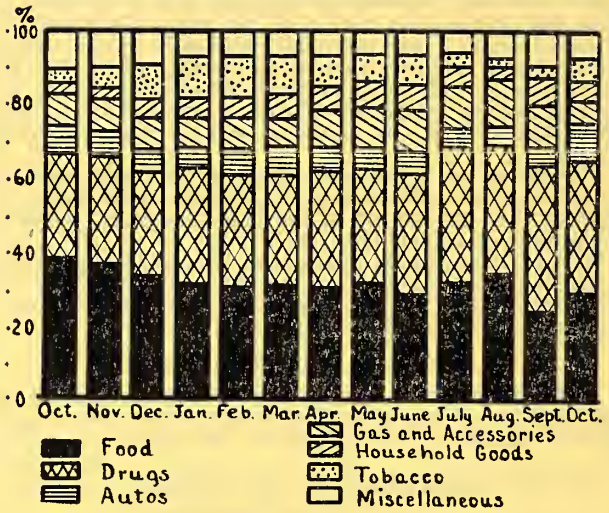
NON-NETWORK BROADCAST ADVERTISING BY TYPE OF RENDITION

July, 1933, to June, 1935



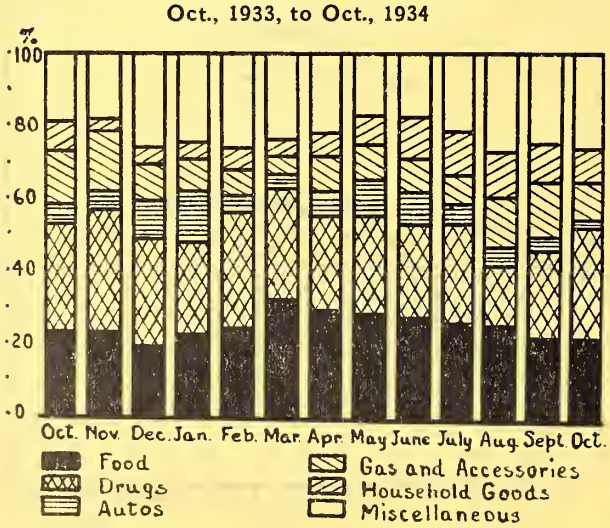
NATIONAL NETWORK ADVERTISING BY TYPE OF SPONSORING BUSINESS

Oct., 1933, to Oct., 1934



NATIONAL SPOT ADVERTISING BY TYPE OF SPONSORING BUSINESS

Oct., 1933, to Oct., 1934



LOCAL ADVERTISING BY TYPE OF SPONSORING BUSINESS

Oct., 1933, to Oct., 1934

markedly in the automotive accessory and gasoline, cosmetics, and radio fields. Network household equipment advertising and national spot automotive and cosmetic volume were among the few fields to experience decreases.

As compared with October, 1933, the following increases are of especial importance in the national network field: Automotive advertising practically doubled, drugs up 60.0%, cosmetics 60.0%, food 23.5%, household equipment nearly double, soap and kitchen supplies 26.0%, and tobacco more than doubled. In the national spot field, the following increases occurred: Drugs 67.5%, food 23.0%, beverages 68.8%, soap and kitchen supplies 26.0%, and tobacco practically quadrupled. Local increases were as follows: Accessories 33.3%, clothing 31.5%, beverages practically doubled, radio the same.

More detailed information regarding various sponsor groups is as follows:

1a. ***Amusements.*** Decrease 19.0% as against September. Lower than same month last year hy 56.0%. Local volume responsihle.

1. ***Automobiles.*** National network volume double September, national spot 10.0% less, and local up 32.0%. National network volume also double 1933, with national spot 45.4% less and local 36.4% under last October.

2. ***Accessories, gasoline and oil.*** National network 24.4% ahove September, regional network volume 76.4% higher, national spot up 13.0%, and local volume up 40.0%. Compared with Octoher, 1933, national networks 9.9% more, regional up five-fold, local up 33.3%, and national spot down 12.5%.

3. ***Clothing.*** Compared with September, national networks even, spot up 90.0%, and local 27.0%. Networks 10.0% under 1933, spot 7.5% lower, and local up 31.5%.

4. ***Drugs and pharmaceuticals.*** Networks 66.1% above previous month, national spot douhle, and local volume up 42.0%. Networks 60.0% above same month 1933, regional volume down, local 21.1% under, and national spot 67.5% over.

5. ***Cosmetics.*** National network 40.9% above September, local up 85.0% due mainly to what seems to be local manufacturer brands, and spot down 21.6%. Compared with October of last year, networks up 60.0%, local double and spot down 65.0%.

6. ***Foodstuffs.*** National networks double Septemher, spot up 70.0%, and local up 7.1%. Regionals six times October 1933, national networks up 23.5%, national spot up 23.0%, and local down 28.6%.

7. ***Beverages.*** National networks 30% over preceding month, regional networks four times higher, national spot up 46.6%, and local no change. Networks 34.0% under October 1933, regionals six times better, local double, and national spot up 68.8%.

8. ***Confectionery.*** October national network increased to $170,000 from $9,000 Septemher level. All other forms gained also. National networks 30.0% ahove same month last year, regionals ten times better, national spot half as much as last year, and local 40.0% as much.

9. ***Household equipment and appliances.*** As compared with Septemher, national networks down 13.3%, local even, and national spot up 10.0%. As compared with same period 1933, national networks up by nearly 100.0%, national spot volume 27.0% greater, and local advertising up 11.0%.

10. ***Soap and kitchen supplies.*** National spot volume 60.0% ahove previous month, national network down 7.6%, and local even. Compared with 1933, national network douhled, national spot up 26.0%, and local down 50.0%.

11. ***Insurance and financial.*** Marked increases in all fields over September. National spot triple same period last year, national network 39.0% under, and local 46.0% under.

12. ***Radio.*** All fields practically double the preceding month. Compared with Octoher last year, national networks up 50.0%, and national spot and local practically tripled.

13. ***Department and general stores.*** This type of advertising 10.0% above preceding month, and 19.1% greater than same period of 1933.

14. ***Tobacco.*** Marked increase in network advertising over the month, with some gain in national spot volume. Network volume double same period of preceding year, and national spot volume four times last October level.

15. ***Miscellaneous.*** Marked increase along all lines, both over preceding month and October 1933. Seems to mark return of wider sponsorship to radio advertising.

General Retail Advertising. General retail advertising was 24.0% above September, and 10.0% greater than during October 1933. All forms of retail advertising increased in Septemher with exception of beauty shops, restaurants, and hardware stores. Principal gains over same period last year include the following: gasoline stations and accessory shops 55.0%, clothing and apparel stores 20.0%, drug stores doubled, beauty parlors increased materially, electric appliance stores 44.0%, furniture stores 26.0%, hardware stores 20.0%, and radio dealers practically tripled.

Decreases occurred in retail automotive advertising to the extent of 23.0%, and in restaurant volume to a 75.0% degree.

Business Conditions

General business continues the gradual improvement noted in the past month. The *New York Times* index of business activity has remained at approximately 76.0% for the past month, while several other indices have shown slight increases. The *Times* index is 4.0% ahove the same period of last year.

Prices have remained comparatively steady during the period, while industrial production has shown some gains. Novemher iron production, according to *Iron Age,* increased ahout 4.0%, and though 11.0% lower than in November 1933, was 51.0% greater than in 1932. Cotton cloth production amounted to approximately 125,000,000 yards per week for the past month, the highest level reached since last spring.

Automobile sales were approximately 10.0% higher than during October of the preceding year, while department store sales were 7.0% ahove the 1933 level for the period. Freight car loadings were ahout equal to last October, following a slight decline as compared with the preceding month, contrary to the usual seasonal trend. Rural grocery chain sales decreased slightly. Employment and payrolls were ahout the October 1933 level. On the whole, business seems somewhat steadier than it has heen in some time.

RADIO BROADCAST ADVERTISING BY TYPE OF SPONSORING BUSINESS
(October, 1934)

Type of Sponsoring Business	*National Networks*	*Regional Networks*	*National Spot*	*Gross Receipts Local*	*Gross Receipts Total*
1a. Amusements	—	—	$1,033	$30,080	$31,113
1–2. Automohiles and Accessories:					
(1) Automohiles	$515,256	—	27,810	54,000	597,066
(2) Accessories, gas and oils	326,153	$24,805	126,175	84,000	561,133
3. Clothing and apparel	41,707	1,064	37,865	164,603	245,239
4–5. Drugs and toilet goods:					
(4) Drugs and pharmaceuticals	571,341	1,145	331,080	72,100	975,666
(5) Toilet goods	913,924	1,146	46,745	37,230	999,045
6–8. Food products:					
(6) Foodstuffs	888,642	25,698	224,050	154,215	1,292,605
(7) Beverages	252,783	9,600	46,690	66,444	375,517
(8) Confections	170,043	2,880	21,880	2,750	197,553
9–10. Household goods:					
(9) Household equipment and furnishings	26,078	2,267	46,900	116,000	191,245
(10) Soap and kitchen supplies	196,489	436	64,750	6,913	268,588
11. Insurance and financial	57,202	2,675	29,400	38,850	128,127
12. Radios	95,426	—	6,783	22,056	124,265
13. Retail establishments	—	—	2,783	129,263	132,046
14. Tobacco products	315,920	1,712	16,290	750	334,672
15. Miscellaneous	156,038	22,536	220,780	523,850	923,204
Total	$4,527,002	$95,964	$1,251,014	$1,503,104	$7,377,084

TOTAL BROADCAST ADVERTISING VOLUME

Class of Business	1934 Gross Receipts September	October	Cumulative Jan.-Oct.
National networks	$2,560,657	$4,527,002	$33,830,105
Regional networks	57,948	95,964	546,796
National spot business	781,903	1,251,014	11,009,653
Local broadcast advertising	1,175,715	1,503,104	13,092,452
Total	$4,576,223	$7,377,084	$58,479,006

RETAIL ADVERTISING OVER INDIVIDUAL STATIONS

(October, 1934)

Type of Sponsoring Business	Gross Receipts September	October
Automobiles and accessories:		
Automobile agencies and used car dealers	$41,906	$54,435
Gasoline stations, garages, etc.	34,586	60,307
Clothing and apparel shops	134,130	171,900
Drugs and toilet goods:		
Drug stores	7,857	22,208
Beauty shops	7,208	5,840
Food products:		
Grocery stores, meat markets, etc.	35,938	40,420
Restaurants and eating places [1]	16,035	15,605
Beverage retailers	280	915
Confectionery stores, etc.	670	2,150
Household goods:		
Household equipment retailers [2]	26,060	32,180
Furniture stores	46,150	53,095
Hardware stores	13,065	10,820
Radio retailers	6,540	21,750
Department and general stores	120,334	132,046
Tobacco shops	—	365
Miscellaneous	59,050	58,190
Total	$549,809	$682,226

[1] Exclusive of hotels.
[2] Such as electric refrigerators, oil burners, sweepers, furnaces and the like.

ADVERTISING VOLUME BY MAJOR MEDIA

Advertising Medium	1934 Gross Receipts September	October	Cumulative Jan.-Oct.
Radio broadcasting	$4,576,223	$7,377,084	$58,479,006
National magazines [1]	9,548,298	10,953,263	97,200,092
National farm papers	431,957	453,947	4,385,591
Newspapers [2]	39,929,000	45,079,568	397,327,718
Total	$54,485,478	$63,863,862	$557,392,407

[1] National magazine totals are for 108 periodicals, prepared by Publishers' Information Bureau, Inc., from which source national farm papers and networks are also taken.
[2] Estimated.

NON-NETWORK BROADCAST ADVERTISING BY POWER OF STATION

Power of Station [1]	1934 Gross Receipts September	October	Cumulative Jan.-Oct.
Over 1,000 watts	$821,938	$1,232,108	$10,881,578
250-1,000 watts	851,180	1,167,540	9,974,681
100 watts	284,500	354,470	3,245.846
Total	$1,957,618	$2,754,118	$24,102,105

[1] This includes high-powered regional and clear channel stations ranging from 5 kilowatts upwards in power.

NON-NETWORK BROADCAST ADVERTISING BY GEOGRAPHICAL DISTRICTS

Geographical District	1934 Gross Receipts September	October	Cumulative Jan.-Oct.
New England-Middle Atlantic Area	$758,314	$916,418	$8,149,295
South Atlantic-South Central Area	172,976	381,490	3,124,309
North Central Area	663,661	939,210	8,964,782
Pacific and Mountain Area	362,667	517,000	3,863,719
Total	$1,957,618	$2,754,118	$24,102,105

NON-NETWORK BROADCAST ADVERTISING BY TYPE OF RENDITION

1934 Gross Receipts

Type of Rendition	National Spot September	National Spot October	Local September	Local October	Total September	Total October	Cumulative Jan.-Oct.
Electrical transcriptions	$253,473	$456,218	$78,145	$117,000	$331,618	$573,218	$5,247,910
Live talent programs	376,265	564,776	620,435	861,050	996,700	1,425,826	11,405,263
Records	1,070	3,800	33,860	28,850	34,930	32,650	389,947
Spot announcements	151,095	226,220	443,275	496,204	594,370	722,424	7,058,985
Total	$781.903	$1,251,014	$1,175,715	$1,503,104	$1,957,618	$2,754,118	$24,102,105

The National Association of Broadcasters

NATIONAL PRESS BUILDING ★ ★ ★ ★ ★ WASHINGTON, D. C.

PHILIP G. LOUCKS, Managing Director

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NAB BOARD MEETS IN NEW YORK

The first meeting of the Board of Directors since the Cincinnati convention was held at the St. Regis Hotel, New York, Tuesday, December 11. President Ward presided. Those present were: C. Y. Myers, Portland, Ore.; Isaac D. Levy, Philadelphia, Pa.; Alfred J. McCosker, New York, N. Y.; Harry C. Butcher, Washington, D. C.; John Gillin, Omaha, Nebr.; Gordon Persons, Montgomery, Ala.; William S. Hedges, New York, N. Y.; H. K. Carpenter, Cleveland, Ohio; I. R. Lounsberry, Buffalo, N. Y.; Frank M. Russell, Washington, D. C.; Arthur B. Church, Kansas City, Mo.; J. Thomas Lyons, Baltimore, Md.; I. Z. Buckwalter, Lancaster, Pa.; Stanley Hubbard, St. Paul, Minn.; Harold Wheelehan, New Orleans, La. Powel Crosley, Jr., Cincinnati, Ohio, was in New York and divided his attention between the NAB Board meeting and the joint meeting of the major baseball leagues.

PRESIDENT APPOINTS COMMITTEES

President Ward, with the approval of the Board, this week appointed the following committees:

Commercial Committee

Arthur B. Church, KMBC, *Chairman;* Edwin M. Spence, WPG; John Karol, WABC; Ed Kobak, WEAF; Roy L. Harlow, WAAB, John Elmer, WCBM; I. R. Lounsberry, WGR; C. D. Mastin, WNBF; J. H. Ryan, WSPD; John L. Clark, WLW; Robert A. Street, WCAU; Nathan Lord, WAVE; H. K. Carpenter, WHK; John F. Patt, WGAR; W. W. Gedge, WMBC; Gayle V. Grubb, WKY; Martin B. Campbell, WFAA; Hugh A. L. Halff, WOAI; H. W. Slavick, WMC; S. E. Adcock, WROL; E. W. Carr, WDNC; George F. Isaac, WGN; D. E. Kendrick, WKBF; J. O. Maland, WOC-WHO; Charles G. Burke, WDAY; Walter J. Damm, WTMJ; Lester E. Cox, KGBX; G. C. Hamilton, KFBK; H. J. Quilliam, KOMO; Arthur J. Kemp, KHJ; Earl J. Glade, KSL; Arthur F. Kales, KECA; Ralph R. Brunton, KJBS.

Ex Officio Members

J. Truman Ward, President, National Association of Broadcasters; Philip G. Loucks, Managing Director, National Association of Broadcasters; James W. Baldwin, Executive Officer, Code Authority for the Radio Broadcasting Industry.

Committee of Five

Arthur B. Church, KMBC; John V. L. Hogan, W2XR; Walter J. Damm, WTMJ; John Karol, WABC; Ed Kobak, WEAF.

Cost Accounting Committee

H. K. Carpenter, WHK, *Chairman;* Walter J. Damm, WTMJ; M. R. Runyon, WABC; H. F. McKeon, WJZ; R. W. Hoffman, WHFC; Lewis Weiss, WJR; J. H. Ryan, WJR; J. L. Kaufman, WINS; I. Z. Buckwalter, WGAL.

Copyright Committee

A. J. McCosker, WOR, *Chairman;* Isaac D. Levy, WCAU; Frank M. Russell, WRC; I. Z. Buckwalter, WGAL; Walter J. Damm, WTMJ.

Engineering Committee

J. A. Chambers, WLW, *Chairman;* C. W. Horn, WEAF; E. K. Cohan, WABC; E. L. Gove, WHK; John E. Burrell, KJBS; J. H. DeWitt, Jr., WSM; Frank B. Falknor, WBBM; Carl Myers, WGN; John E. Fetzer, WKZO; Lynne C. Smeby, KSTP; John V. L. Hogan, W2XR.

Tax Committee

E. M. Elkin, KDKA; P. J. Hennessey, WJZ; Sydney M. Kaye, WABC; A. Z. Moore, WKJC; Edgar T. Bell, WKY; Wiley P. Harris, WJDX; Gerald King, KFWB; Birt Fisher, KOMO.

COMMITTEE OF FIVE MEETS

The Special Committee of Five, appointed by President Ward pursuant to a resolution adopted at the Cincinnati convention, held a preliminary meeting in New York last Thursday. This Committee is charged with the duty of cooperating with the American Association of Advertising Agencies and the Association of National Advertisers in the creation of a central bureau for the purpose of coordinating coverage and listener data. Arthur B. Church is chairman and presided over the meeting. Others who attended the meeting were John Karol, Paul F. Peter, Edgar Kobak, John V. L. Hogan, Dr. Herman S. Hettinger, President Ward, James W. Baldwin, executive officer of the Code Authority, and the Managing Director. The meeting decided to enter upon a study of all published surveys with a view to developing a program for submission to the other groups.

BOARD HEARS LEGISLATIVE REPORT

A report of Henry A. Bellows, chairman of the Legislative Committee, was read to the board by the Managing Director. It reviewed legislation in the last Congress and outlined some of the problems which the industry will face in the new Congress.

MR. AND MRS. SAM PICKARD INJURED

The Board adopted a resolution authorizing President Ward to send flowers to Mr. and Mrs. Sam Pickard, who were taken to a hospital following a collision between the Pickard automobile and a street car last Monday night. Mrs. Pickard suffered a fracture of the knee and Mr. Pickard suffered injuries to his face and body.

HENRY A. BELLOWS' WORK PRAISED

The Board adopted a resolution expressing its appreciation of the "outstanding services rendered the industry by Henry A. Bellows in the preparation of the industry's case before the Federal Communications Commission in connection with the hearings under Section 307 (c) of the Communications Act of 1934."

BOARD APPROVES ACCOUNTING SYSTEM

The Board authorized the Managing Director to make the necessary expenditures to publish and distribute the uniform system of cost accounting which was approved by the membership upon recommendation of the Cost Accounting Committee at the last convention.

COLORADO IN 1935

The Board selected Colorado as the state in which the 1935 NAB Convention is to be held and early in July as the time. The actual selection of a city and hotel and the exact dates were left for the Executive Committee's decision.

MANAGING DIRECTOR ORDERED ON TRIP

The Managing Director was ordered by the Board to visit all parts of the country at the earliest possible date and complete the organization of state NAB Committees. Two states—New York and Alabama—are already organized. An itinerary is now being worked out and will be announced as soon as completed.

FIVE NEW MEMBERS APPROVED

The Board approved the membership applications of Stations KTSM, El Paso, Tex.; WMEX, Boston, Mass.; WOC, Davenport, Iowa; WIBX, Waterbury, Conn.; W9XBY, Kansas City, Mo. The membership, in good standing, now totals 375.

1935 BUDGET APPROVED

The Board approved the budget proposed by the Managing Director, calling for an expenditure during the year of $60,000. This amount corresponds with the expenditures of the headquarters office for the past few years. The Board unanimously voted an increase in the salary of the Managing Director.

COPYRIGHT DISCUSSION DEFERRED

Due to the illness of Jos. C. Hostetler, of Baker, Hostetler, Sidlo and Patterson, discussion of the subject of copyright was brief. The Board referred the matter to the Copyright Committee, consisting of Alfred J. McCosker, chairman; Isaac D. Levy, I. Z. Buckwalter, Walter J. Damm, and Frank M. Russell, with instructions to meet and hear Mr. Hostetler's report at the earliest possible date.

INFORMATION WANTED

A request for information concerning the whereabouts of Mr. J. L. Lewis has been received at NAB headquarters.

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

Monday, December 17, 1934

NEW—A. R. Montgomery, Findlay, Ohio.—C. P., **1530 kc.**, 1 KW, 6 a. m. to midnight.

WTJS—The Sun Publishing Co., Jackson, Tenn.—C. P., **1430 kc.**, 500 watts, unlimited time (facilities WNBR).

WNBR—Memphis Broadcasting Co., Memphis, Tenn.—Renewal of license.

No hearings will be held before the Commission between December 17 and January 4.

APPLICATIONS GRANTED

WKBO—Keystone Broadcasting Corp., Harrisburg, Pa.—Granted
1200 C. P. to make changes in equipment and increase daytime power from 100 watts to 250 watts.

WNBF—Howitt-Wood Radio Co., Inc., Binghamton, N. Y.—
1500 Granted C. P. to make changes in equipment and increase power from 100 watts to 100 watts night, 250 watts LS.

WKBZ—Karl L. Ashbacker, Muskegon, Mich.—Granted C. P. to
1500 make changes in equipment and increase power from 100 watts to 100 watts, 250 watts LS.

WIBU—Wm. C. Forrest, Poynette, Wis.—Granted C. P. to make
1210 changes in equipment and increase day power from 100 watts to 250 watts.

KRE—First Congregational Church of Berkeley, Calif.—Granted
1370 C. P. to make changes in equipment and increase day power to 250 watts.

KLO—Interstate Broadcasting Corp., Ogden, Utah.—Granted C. P.
1400 to install new equipment.

WSPA—Virgil V. Evans, d/b as The Voice of South Carolina,
1420 Spartanburg, S. C.—Granted modification of C. P. approving transmitter site in Spartanburg.

KFRO—Voice of Longview, Longview, Tex.—Granted modification of C. P. to make changes in equipment and move station to about one-half mile city limits of Longview, on Green Street.

WIBA—Badger Broadcasting Co., Inc., Madison, Wis.—Granted
1280 60-day extension of special temporary experimental authority to use 1 KW night.

WMAQ—National Broadcasting Co., Inc., Chicago, Ill.—Granted
670 modification of C. P. extending commencement date to December 3, 1934, and completion date to April 4, 1935.

KLZ—The Reynolds Radio Co., Inc., Denver, Colo.—Granted
560 modification of C. P. extending commencement date to December 1, 1934, and completion date to April 1, 1935.

KGIX—J. M. Heaton, Las Vegas, Nev.—Granted modification of
1420 C. P. extending completion date to February 2, 1935.

WSUI—State University of Iowa, Iowa City, Iowa.—Granted
880 modification of license increasing daytime power from 500 watts to 1 KW, and change hours of operation from specified to unlimited.

WFEA—New Hampshire Broadcasting Co., Manchester, N. H.—
1340 Granted license covering increase in day power from 500 watts to 1 KW, unlimited time.

WNBX—WNBX Broadcasting Corp., Springfield, Vt.—Granted
1260 license covering increase in power and hours of operation of daytime only to daytime until sunset at Erie, Pa., and changes in equipment; **1260 kc.**, 1 KW.

WHDL—Tupper Lake Broadcasting Co., Inc., Olean, N. Y.—
1420 Granted license covering move of station from Tupper Lake to Olean, N. Y.; **1420 kc.**, 100 watts, daytime.

WBNS—WBNS, Inc., Columbus, Ohio.—Granted license covering
1430 local move; **1430 kc.**, 500 watts night, 1 KW day, unlimited.

WIBM—WIBM, Inc., Jackson, Mich.—Granted license to cover
1370 changes in equipment and increase in daytime power to 250 watts; **1370 kc.**, 100 watts, night, unlimited.

WJBK—Jas. F. Hopkins, Inc., Detroit, Mich.—Granted license
1500 covering changes in equipment and increase in daytime power; **1500 kc.**, 100 watts night, 250 watts day, unlimited.

WRAK—WRAK, Inc., Williamsport, Pa.—Granted license covering
1370 local move, making changes in equipment, and increasing daytime power to 250 watts; **1370 kc.**, 100 watts, night, unlimited.

KFOR—Cornbelt Broadcasting Corp., Lincoln, Nebr.—Granted
1210 authorization to install automatic frequency control.

WFEA—New Hampshire Broadcasting Co., Manchester, N. H.—
1340 Granted authority to determine licensed power by direct measurement of antenna.

WFLA-WSUN—Clearwater Chamber of Commerce and St. Peters-
620 burg Chamber of Commerce, Clearwater and St. Petersburg, Fla.—Granted modification of special experimental authorization to increase power from 1 KW, 2½ KW LS, to 1 KW, 5 KW LS, and make changes in equipment.

KTSA—Southwest Broadcasting Co., San Antonio, Tex.—Granted
550 modification of special experimental authorization to increase daytime power from 2½ KW to 5 KW.

KPCB—Queen City Broadcasting Co., Seattle, Wash.—Granted
710 modification of special experimental authorization to operate with 250 watts on **710 kc.**, unlimited time.

WRDW—Musicove, Inc., Augusta, Ga.—Granted consent to volun-
1500 tary assignment of license to Augusta Broadcasting Co.

WKBB—Sanders Bros. Radio Station, E. Dubuque, Ill.—Granted
1500 C. P. to make changes in equipment, increase day power from 100 to 250 watts, and change hours of operation from specified to unlimited. (Application dismissed from hearing docket.)

KGDM—E. F. Peffer, Stockton, Calif.—Granted C. P. to increase
1100 daytime power to 1 KW.

NEW—National Broadcasting Co., Inc., Bound Brook, N. J.—Granted license (temporary broadcast pickup); frequencies **2020, 2102, 2760 kc.**, 10 KW.

NEW—Perkins Bros. Co., Portable-Mobile, Sioux City, Iowa.—Granted C. P. (general experimental) to construct a new general experimental station to operate as a broadcast pickup; frequencies **31100, 34600, 37600, 40600 kc.**, 2.7 watts, unlimited time.

W9XA—National Broadcasting Co., Inc., Denver, Colo.—Granted renewal of special experimental station license in exact conformity with existing license.

W8XAR—Westinghouse Electric and Manufacturing Co., Saxonburg, Pa.—Granted renewal of special experimental station license in exact conformity with existing license.

KYW—Westinghouse Electric and Manufacturing Co., Philadelphia,
1020 Pa.—Granted license covering move of station from Chicago to Philadelphia, and installing new equipment; **1020 kc.**, 10 KW, unlimited time.

KGRS—E. B. Gish (Gish Radio Service), Amarillo, Tex.—Granted
1410 license covering changes in equipment and increase in daytime power from 1 KW to 2½ KW; **1410 kc.**, 1 KW night, specified hours.

WJBC—Kaskaskia Broadcasting Co., Bloomington, Ill.—Granted
1200 license covering move of station from La Salle, Ill., to Bloomington, Ill.; **1200 kc.**, 100 watts, shares with WJBL.

KFWB—Warner Bros. Broadcasting Corp., Hollywood, Calif.—
950 Granted license covering changes in equipment and increase in day power from 1 KW to 2½ KW; **950 kc.**, 1 KW, night, unlimited.

KOIN—KOIN, Inc., Portland, Ore.—Granted license covering
940 changes in equipment and increase in daytime power from 1 KW to 2½ KW; **940 kc.**, 1 KW night, unlimited.

WFBL—Onondaga Radio Broadcasting Corp., Syracuse, N. Y.—
1360 Granted modification of license increasing day power from 2½ to 5 KW.

WAWZ—Pillar of Fire, Zarephath, N. J.—Granted modification of
1350 license increasing daytime power from 250 watts to 500 watts.

WMPC—The First Methodist Protestant Church of Lapeer, Mich.
1200 —Granted modification of license to change Sunday specified hours and from CST to EST.

KGBU—Alaska Radio & Service Co., Inc., Ketchikan, Alaska.—
900 Granted modification of license to change hours of operation from specified to unlimited.

WMC—WMC, Inc., Memphis, Tenn.—Granted consent to volun-
780 tary assignment of license to Memphis Commercial Appeal, Inc.

KGHI—Lloyd Judd Co., Little Rock, Ark.—Granted consent to
1370 voluntary assignment of license to Arkansas Broadcasting Co.

WPFB—Otis P. Eure, Hattiesburg, Miss.—Granted consent to vol-
1370 untary assignment of license to George T. Bishop.

W2XR—John V. L. Hogan, Long Island City, N. Y.—Granted re-
1550 newal of experimental broadcast station license from December 29, 1934, to June 29, 1935, in exact conformity with existing license.

SET FOR HEARING

WQDM—Regan & Bostwick, St. Albans, Vt.—C. P. to move trans-
1390 mitter and studio locally in St. Albans, make changes in equipment; change frequency from **1370 kc.** to **1390 kc.**, increase power from 100 watts to 1 KW, and change in specified hours of operation.

NEW—Homer York, Lufkin, Tex.—C. P. for new station; **1340 kc.,**
1340 250 watts, unlimited time.

WDNC—Durham Radio Corp., Durham, N. C.—C. P. to install
590 new equipment, increase power from 100 watts to 1 KW day and night, change frequency from **1500 kc.** to **590 kc.**, and move transmitter to new location locally.

KPOF—Pillar of Fire (a corp.), near Denver, Colo.—Modification
880 of license to increase daytime power from 500 watts to 1 KW.

KGFI—Eagle Broadcasting Co., Inc., Corpus Christi, Tex.—Special
1500 experimental authorization to increase nighttime power from 100 watts to 250 watts. (To be heard before the Broadcast Division on January 23, 1935.)

NEW—F. N. Pierce, Taylor, Tex.—C. P., **1310 kc.,** 100 watts, un-
1310 limited time. (Application already in hearing docket was amended to request daytime only.)

WDZ—James L. Bush, Tuscola, Ill.—C. P. to make changes in
1020 equipment and increase power from 100 watts to 250 watts, daytime only. (Application already in hearing docket was amended to request frequency **1020 kc.** when KYW moves to Philadelphia.)

MISCELLANEOUS

NEW—Wm. A. Schall, Omaha, Nebr.—Denied petition for special
1420 temporary authorization for a new station to operate on **1420 kc.,** 100 watts, unlimited time, pending hearing. (C. P. for new station now in hearing docket.)

WSYR-WSYU—Central New York Broadcasting Corp., Syracuse, N. Y.—Denied petition setting out an agreement between WMCA and WSYR to the effect that neither will oppose the application of the other. (WSYR's C. P. to move station locally in Syracuse and make changes in equipment and increase power is now in hearing docket.)

WMCA—Knickerbocker Broadcasting Co., Inc., New York City.—Denied petition as set forth above. (WMCA's application for modification of license to increase power from 500 watts to 1 KW is now in hearing docket.)

WNBO—John Brownlee Spriggs, Silver Haven, Pa.—Hearing at Washington, Pa., for renewal of license adjourned until further order of the Commission.

NEW—Delbert E. Replogle, Ridgewood, N. J.—Hearing on application for C. P. for new radio station to be erected in the Boston area to use **1570 kc.,** 1 KW, scheduled for December 17th, continued indefinitely.

KGFK—Red River Broadcasting Co., Moorhead, Minn.—Oral argument on application to move station from Moorhead to Duluth, set for December 17th, continued for 30 days.

SPECIAL AUTHORIZATIONS GRANTED

KLUF—George Roy Clouth, Galveston, Tex.—Granted special temporary authorization to operate from 10 a. m. to 2 p. m., CST, January 1, 1935, instead of unlimited time, in order to observe holiday.

WGAF—John T. Hubbard and Julian C. Smith, d/b as Dothan Broadcasting Co., Dothan, Ala.—Granted special temporary authorization to operate unlimited time on December 24, 1934, in order to broadcast special programs by the local clubs.

KWLC—Luther College, Decorah, Iowa.—Granted special temporary authorization to operate one hour per week only instead of time assigned by time-sharing agreement for the period beginning December 22, 1934, and ending in no event later than January 6, 1935, in order to observe holidays.

WAZL—Hazleton Broadcasting Service, Inc., Hazleton, Pa.—Granted extension of special temporary authorization to operate daily a maximum of four hours simultaneously during daytime with Station WILM, Wilmington, Del., for the period beginning 3 a. m., EST, January 1, 1935, and ending in no event later than 3 a. m., EST, July 1, 1935.

KLUF—Geo. Roy Clough, Galveston, Tex.—Granted extension of special temporary experimental authorization to increase day power from 100 watts to 250 watts for a period beginning 3 a. m., EST, January 1, 1935, and ending in no event later than 3 a. m., EST, July 1, 1935.

APPLICATIONS RECEIVED

First Zone

WAAB—Bay State Broadcasting Corp., Boston, Mass.—Modifica-
1410 tion of license to increase day power from 500 watts to 1 KW.

WABY—Adirondack Broadcasting Co., Inc., Albany, N. Y.—
1370 License to cover construction permit (1-P-B-3247) to move studio and transmitter to 110 N. Pearl St., Albany, N. Y.

WCNW—Arthur Faske, Brooklyn, N. Y.—License to cover con-
1500 struction permit (1-P-B-2790) as modified to move transmitter and studio locally, extend commencement and completion dates.

W8XAI—Stromberg Carlson Tel. Mfg. Co., Rochester, N. Y.—License to cover construction permit to erect a new general experimental station to be operated on **31100, 34600, 37600, 40600 kc.,** 100 watts.

NEW—Hartford Broadcasting Co., Inc., Hartford, Conn.—Con-
1200 struction permit to erect a new broadcast station to be operated on **1200 kc.,** 100 watts, unlimited time.

WOR—Bamberger Broadcasting Service, Inc., Newark, N. J.—
710 Modification of construction permit (1-P-B-1492) as modified to extend completion date to 2-16-35.

NEW—Clarence Wheeler, Rochester, N. Y.—Construction permit
1210 to erect a new broadcast station to be operated on 1210 kc., 100 watts, daytime, transmitter site to be determined.

WFBR—The Baltimore Radio Show, Inc., Baltimore, Md.—Modifi-
1270 cation of license (1-L-B-822) to increase power from 500 watts to 1 KW.

NEW—Cumberland Broadcasting Co., Inc., Portland, Maine.—
1210 Construction permit to erect a new broadcast station to be operated on **1210 kc.,** 100 watts, unlimited time.

NEW—Worcester Broadcasting Co., Inc., Worcester, Mass.—Con-
1200 struction permit to erect a new broadcast station to be operated on **1200 kc.,** 100 watts, unlimited time.

NEW—Bamberger Broadcasting Service, Carteret, N. J.—Construction permit for new experimental relay broadcasting station on **6020, 9510, 11850, 15170, 17800, 21480 kc.,** 5 KW, A3.

W2XHG—National Broadcasting Co., Inc., New York, N. Y.—License to cover construction permit for new general experimental station to be operated on **25700, 26000, 27100, 31100, 31600, 34600, 35600, 37600. 38600, 40600, 41000, 86000 to 400000 kc.,** 150 watts, A1, A2, A3, Special.

NEW—Bamberger Broadcasting Service, Inc., Construction permit for general experimental for **31100, 34600, 37600, 40600 kc.,** 25 watts, A3.

WDRC—WDRC, Inc., Hartford, Conn.—Authority to determine
1330 operating power by direct measurement.

WBAL—The WBAL Broadcasting Co., Baltimore, Md.—Request
1060 for consent to transfer of control of corporation.

Second Zone

NEW—Brothers & England (L. C. Brothers and H. P. England),
1370 Mansfield, Ohio.—Construction permit for new station to be operated on **1370 kc.,** 100 watts power, unlimited time. Studio and transmitter, Main Street at Park Avenue, Mansfield, Ohio.

NEW—Broadcasters of Pennsylvania, Inc., Erie, Pa.—Construction
1420 permit for new station to be operated on **1420 kc.,** 100 watts, 250 watts local sunset, unlimited time. Studio, 925 Peach Street, Erie, Pa.; transmitter site to be determined, Erie, Pa. Amended: 12-5-34 re equipment and transmitter site.

WHBC—Edward P. Graham, Canton, Ohio.—Construction permit
1200 to install new equipment and increase day power from 100 watts to 250 watts.

WGBI—Scranton Broadcasters, Inc., Scranton, Pa.—Construction
880 permit to install new equipment, increase power from 250 watts to 1 KW.

WBTM—Piedmont Broadcasting Corp., Danville, Va.—License to
1370 cover construction permit (B2-P-33) to increase power and change equipment.

WHJB—Pittsburgh Radio Supply House, Greensburg, Pa.—License
620 to cover construction permit (2-P-B-3090) as modified, amended re equipment.

Third Zone

NEW—Nashville Broadcasting Corp., Nashville, Tenn.—Construc-
1370 tion permit to erect a new broadcast station to be operated on **1370 kc.,** 100 watts, unlimited.

WQAM—Miami Broadcasting Co., Miami, Fla.—License to cover
560 construction permit (B3-P-60) to move transmitter to Northeast 14th Street and Biscayne Bay, Miami, Fla., and install new equipment.

WQAM—Miami Broadcasting Co., Miami, Fla.—Construction per-
560 mit to move auxiliary transmitter to Northeast 14th Street and Biscayne Bay, Miami, Fla.

WHEF—The Attala Broadcasting Corp., Kosciusko, Miss.—Special
1500 experimental authorization to increase night power from 100 watts to 250 watts, period 1-1-35.

WPTF—WPTF Radio Company, Raleigh, N. C.—License to cover
680 construction permit (3-P-B-2874) as modified to extend commencement and completion dates.

KTUL—Tulsa Broadcasting Co., Inc., Tulsa, Okla.—Modification
1400 of license to increase power from 250 watts night, 500 watts day, to 1 KW.

WRGA—Rome Broadcasting Corp., Rome, Ga.—Construction per-
1500 mit to make equipment changes and increase power from 100 watts to 250 watts local sunset, 100 watts nighttime.

NEW—John Brown University, one-half mile W. Siloam Springs,
1500 Ark.—Construction permit to erect a new broadcast station to be operated on **1500 kc.,** 250 watts local sunset, 100 watts night, unlimited time.

NEW—I. J. and J. Kohn, Nashville, Tenn.—Construction permit
1370 for a new station to be operated on **1370 kc.,** 100 watts power, unlimited time; studio and transmitter sites to be determined, Nashville, Tenn.

NEW—E. F. Houser and Clyde Miller, Big Springs Broadcasting
1210 Co., Big Springs, Tex.—Construction permit for a new station to be operated on **1210 kc.,** 100 watts power, daytime. Studio and transmitter located Crawford Hotel, Big Springs, Tex.

WMAZ—Southeastern Broadcasting Co., Macon, Ga.—Modifica-
1180 tion of construction permit (3-P-B-3269) as modified to make changes in antenna.

Universal Advertising Agency, Laredo, Tex.—Authority to transmit sustaining programs to all stations of Mexico.

WIOD—Isle of Dreams Broadcasting Co., Miami, Fla.—Requesting
1300 consent to transfer of control of corporation.

Fourth Zone

KWTN—The Greater Kampeska Radio Corp., Watertown, S. Dak.
1210 —Modification of construction permit (4-P-B-3108) as modified to extend completion date to 1-1-35.

KFJM—University of North Dakota, Grand Forks, N. Dak.—Ex-
1370 tension special experimental authorization to operate 250 watts local sunset for period ending 7-1-35.

NEW—KGBX, Inc., Sedalia, Mo.—Construction permit to erect a
1210 new broadcast station to be operated on **1210 kc.,** 100 watts night, 250 watts local sunset, unlimited, amended to change daytime power to 100 watts and change equipment.

NEW—Mississippi Valley Broadcasting Co., Inc., Hannibal, Mo.—
1310 Construction permit to erect a new broadcast station to be operated on **1310 kc.,** 100 watts night, 250 watts local sunset, unlimited, amended to change daytime power to 100 watts and change equipment.

NEW—Midland Broadcasting Co., Inc., Portable-Mobile.—Construction permit to erect a new general experimental station to be operated on **31100, 34600, 37600, 40600, 86000** to **400000 kc.,** 1½ watts.

WWAE—Hammond-Calumet Broadcasting Corp., Hammond, Ind.
1200 —License to cover construction permit (4-P-B-3218) to install new equipment.

WBBM—WBBM Broadcasting Corp., Chicago, Ill.—Extension of
770 special experimental authorization to operate synchronously with station KFAB from KFAB local sunset to midnight, period 8-1-35.

NEW—Midland Broadcasting Co., Inc., Portable-Mobile.—Construction permit to erect a new general experimental station to be operated on **31100, 34600, 37600, 40600, 86000** to **400000 kc.,** 50 watts.

NEW—Midland Broadcasting Co., Inc., Kansas City, Mo.—Construction permit to erect a new general experimental station to be operated on **31100, 34600, 37600, 40600, 86000** to **400000 kc.,** 50 watts.

WTCN—Minnesota Broadcasting Corp., Minneapolis, Minn.—
1250 Construction permit to make changes in equipment and increase power from 1 KW to 1 KW, 5 KW LS.

WIBA—Badger Broadcasting Co., Inc., Madison, Wis.—Modifica-
1280 tion of license to increase power from 500 watts, 1 KW local sunset, to 1 KW.

WIBA—Badger Broadcasting Co., Inc., Madison, Wis.—Extension
1280 of special experimental authorization to operate with 1 KW nighttime, for period 60 days (2-1-35).

NEW—D. A. Gibbs, Jr., and E. H. Shemorry, d/b as KWIL Broad-
1500 casting Co., Williston, N. Dak.—Construction permit for new station on **1500 kc.,** 100 watts, daytime; specified hours, 11 a. m. to 2 p. m., 5 p. m. to 8 p. m.; studio and transmitter, Williston, N. Dak. Amended re equipment, power to 100 watts day and night; studio in transmitter building.

Fifth Zone

KFXJ—R. G. Howell and Chas. Howell, d/b as Western Slope
1200 Broadcasting Co., Grand Junction, Colo.—License to cover construction permit to make equipment changes and increase power.

NEW—Nichols and Warinner, Inc., Portable-Mobile.—Construction permit to erect a new general experimental station to be operated on **31100, 34600, 37600, 40600 kc.,** 2 watts.

NEW—Louis Wasmer, Inc., Portable.—Construction permit to erect a new broadcast pickup station to be operated on **1606, 2020, 2060, 2760 kc.,** 100 watts, amended to change frequency **1606, 2020, 2102, 2760 kc.**

KIFO—Nichols and Warinner, Inc., Portable.—Construction permit to erect a new broadcast pickup station to be operated on **1566, 2478 kc.,** 200 watts.

NEW—Nichols and Warinner, Inc., Portable-Mobile.—Construction permit to erect a new general experimental station to be operated on **31100, 34600, 37600, 40600 kc.,** 30 watts.

KXA—American Radio Telephone Co., Seattle, Wash.—Extension special experimental authorization to operate simultaneously with WJZ from local sunset to 10 p. m., PST, using 250 watts, period ending 8-1-35.

KGFJ—Ben S. McGlashan, Los Angeles, Calif.—Construction per-
1200 mit to make equipment changes, increase daytime power from 100 watts to 250 watts (250 watts 12 midnight to 6 a. m.—station operates 24 hours).

NEW—Southwestern Broadcasting Co., San Diego, Calif.—Con-
1210 struction permit to erect a new broadcast station to be operated on **1210 kc.,** 100 watts, unlimited time.

The National Association of Broadcasters

NATIONAL PRESS BUILDING ★ ★ ★ ★ ★ WASHINGTON, D. C.

PHILIP G. LOUCKS, Managing Director

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SEASON'S GREETINGS
to all
NAB MEMBERS
from the
WASHINGTON OFFICE STAFF

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

WFDF—Flint Broadcasting Co., Flint, Mich.—Granted C. P. to
1310 instal new equipment.

WQAM—Miami Broadcasting Co., Miami, Fla.—Granted C. P. to
560 move auxiliary transmitter to location of main transmitter in Miami.

WRGA—Rome Broadcasting Corp., Rome, Ga.—Granted C. P. to
1500 make changes in equipment and increase day power from 100 to 250 watts.

WTCN—Minnesota Broadcasting Corp., Minneapolis, Minn.—
1250 Granted C. P. to make changes in equipment and increase day power from 1 KW to 5 KW, subject to compliance with specifications of the Air Navigation Division, Department of Commerce, as to marking and lighting the towers.

WNAX—The House of Gurney, Inc., Yankton, S. Dak.—Granted
570 C. P. to make changes in equipment and increase daytime power from 2½ to 5 KW, and to move station locally. (**570 kc.**, 1 KW night, unlimited.)

WMFF—Plattsburg Broadcasting Corp., Plattsburg, N. Y.—Granted modification of C. P. to make changes in equipment; extend commencement date to 10 days after this date, and completion date to 60 days hereafter.

WOR—Bamberger Broadcasting Service, Inc., Newark, N. J.—
710 Granted modification of C. P. extending completion date to February 16, 1934.

KWTN—The Greater Kampeska Radio Corp., Watertown, S. Dak.
1210 —Granted modification of C. P. extending completion date to January 1, 1935.

KHJ—Don Lee Broadcasting System, Los Angeles, Calif.—Granted
900 modification of C. P. to increase day power from 2½ to 5 KW.

KFRC—Don Lee Broadcasting System, San Francisco.—Granted
610 modification of C. P. to increase day power from 2½ to 5 KW.

WABY—Adirondack Broadcasting Co., Inc., Albany, N. Y.—
1370 Granted license covering move of station from Hudson Falls to Albany; **1370 kc.**, 100 watts, unlimited time.

WHJB—Pittsburgh Radio Supply House, Greensburg, Pa.—Granted
620 license covering new station; **620 kc.**, 250 watts, daytime.

WQAM—Miami Broadcasting Co., Miami, Fla.—Granted license
560 covering local move of station; 560 kc., 1 KW, unlimited time.

WBEO—The Lake Superior Broadcasting Co., Marquette, Mich.—
1310 Granted modification of license to make change in specified hours.

NEW—Bamberger Broadcasting Service, Inc., Mobile (Newark, N. J.).—Granted C. P. to operate in broadcast pickup service on frequencies **31100, 34600, 37600, 40600 kc.**, 25 watts.

W2XR—John V. L. Hogan, Long Island City, N. Y.—Granted
1550 modification of license to change name of business to John V. L. Hogan, d/b as Scientific Broadcasting Service.

SET FOR HEARING

WJBK—James F. Hopkins, Inc., Detroit, Mich.—C. P. to move
680 transmitter locally, make changes in equipment, change frequency from **1500 kc.** to **680 kc.**, and increase power from 100 watts to 500 watts. (To be heard by the Division en banc January 23, 1935.)

KDYL—Intermountain Broadcasting Corp., Salt Lake City.—C. P.
1290 to make changes in equipment and increase power from 1 to 5 KW. (To be heard by the Division en banc January 30, 1935.)

WEEI—Edison Electric Illuminating Co. of Boston, Boston, Mass.—
590 C. P. to make changes in equipment and increase power from 1 to 5 KW. (To be heard by the Division en banc on January 30, 1935.)

NEW—David H. Cannon, Pasadena, Calif.—C. P. for new station,
1480 **1480 kc.**, 100 watts, daytime. (To be heard by the Division en banc on February 6, 1935.)

WHK—Radio Air Service Corp., Seven Hills, Ohio.—Modification
1390 of license to increase power from 1 KW night, 2½ KW day, to 5 KW. (To be heard by the Division en banc February 6, 1935.)

WTCN—Minnesota Broadcasting Corp., Minneapolis, Minn.—
680 Modification of license to change frequency from **1250 kc.** to **680 kc.**; change power from 1 KW day and night to 500 watts night, 1 KW day; and change hours of operation from specified to unlimited. (To be heard by Division en banc on January 23, 1935.)

WOPI—Radiophone Broadcasting Station, WOPI, Inc., Bristol,
620 Tenn.—C. P. to make changes in equipment, change frequency from **1500 kc.** to **620 kc.**, and increase power from 100 to 250 watts.

NEW—Southern Minnesota Broadcasting Co. (location to be de-
1310 termined), Rochester, Minn.—C. P. for new station, **1310 kc.**, 100 watts, unlimited time.

NEW—Dr. J. R. Burgess and Geo. B. Bairey, d/b as WHM Broad-
1420 casting Co., Helena, Mont.—C. P. for new station, **1420 kc.**, 100 watts, unlimited time.

NEW—Alexandria Broadcasting Co., Inc., Alexandria, La.—C. P.
1370 for new station, **1370 kc.**, 100 watts, unlimited time.

NEW—Hauser Radio Co., C. R. Hauser and John McGinniss, Ven-
1210 tura, Calif.—C. P. for new station, **1210 kc.,** 100 watts, unlimited time.

NEW—Bellingham Publishing Co., Bellingham, Wash.—C. P. for
1420 new station, **1420 kc.,** 100 watts, unlimited time. (Exact transmitter site to be determined.)

KTUL—Tulsa Broadcasting Co., Inc., Tulsa, Okla.—Modification
1400 of license to increase power from 250 watts night, 500 watts day, to 1 KW.

WKBF—Indianapolis Broadcasting, Inc., Indianapolis, Ind.—Modi-
1400 fication of license to increase night power from 500 watts to 1 KW.

KID—KID Broadcasting Co., Inc., Idaho Falls, Idaho.—Modifica-
1320 tion of license to increase power from 250 watts night, 500 watts day, to 500 watts night, 1 KW day.

WTAG—Worcester Telegram Publishing Co., Inc., Worcester, Mass.
580 —Special experimental authority to operate with 1 KW instead of 500 watts for period ending March 1, 1935.

WCHS—Charleston Broadcasting Corp., Charleston, W. Va.—Spe-
580 cial experimental authority to increase night power from 500 watts to 1 KW.

KSTP—National Battery Broadcasting Co., St. Paul, Minn.—
1460 Modification of special experimental authority to operate with 25 KW night.

ACTION ON EXAMINER'S REPORT

NEW—Ex. Rep. No. 1-12: H. E. Studebaker, Lewiston, Idaho.—Granted application for C. P. to construct a broadcast station at Lewiston, Idaho, to operate on **1420 kc.,** 100 watts, sustaining Examiner Geo. H. Hill.

MISCELLANEOUS

Utah Radio Educational Society, Salt Lake City, Utah.—Granted authority to take depositions in re application for C. P. to be heard before an Examiner of the Commission at Washington, D. C., January 30, 1935.

WKEU—Radio Station WKEU, LaGrange, Ga.—Designated for hearing application to move station to Griffin, Ga., to operate during unlimited daytime hours, because of protest filed by Station WRGA, Rome, Ga. Grant heretofore made, subject to protest, was suspended.

WBNO—Coliseum Baptist Church, New Orleans, La.—Denied petition requesting Commission to reconsider its action of December 3, 1934, in which application for renewal of license was designated for hearing.

WSPD—Toledo Broadcasting Co., Toledo, Ohio.—Denied petition to intervene and become a party to the hearing of the application of WALR Broadcasting Corp. for C. P. to move its station from Zanesville to Toledo.

WTJS—The Sun Publishing Co., Inc., Jackson, Tenn.—Dismissed with prejudice its application for the facilities of WNBR since request for withdrawal was not made until four days before the time set for hearing and WNBR had expended considerable sum in preparation of its case.

W1XBS—American Republican, Inc., Waterbury, Conn.—Granted license covering new station, **1530 kc.,** 1 KW, unlimited time. (Action taken December 11, 1934.)

RENEWAL OF LICENSES

WRDO—WRDO, Inc., Augusta, Maine.—Granted renewal of license on a temporary basis subject to such action as the Commission may take on their pending application for renewal.

WJBY—Gadsden Broadcasting Co., Inc., Gadsden, Ala.—License extended on a temporary basis to February 1, 1935, pending receipt of information requested in connection with application for renewal.

The following stations were granted further extensions of their present licenses, for a period of 3 months, on a temporary basis only, subject to such action as may be taken upon the applications for renewals pending before the Commission:

WCAP, Asbury Park, N. J.; WDEL, Wilmington, Del.; WNEW, Newark, N. J.; WTNJ, Trenton, N. J.

KGGC—The Golden Gate Broadcasting Co., San Francisco, Calif.—License extended, on a temporary basis only, to February 1, 1935, pending the filing of Articles of Incorporation.

WPEN—Wm. Penn Broadcasting Co., Philadelphia, Pa.—Present license extended on a temporary basis only, subject to whatever decision may be made by the Commission with respect to the programs broadcast and the activities of the station which are now under investigation.

WDAS—WDAS Broadcasting Station, Inc., Philadelphia, Pa.—Present license extended for a period of 3 months, on a temporary basis only, subject to such action as may be taken on the application for renewal of license pending before the Commission.

WHFC—WHFC, Inc., Cicero, Ill.—Present license extended for a period of 3 months, on a temporary basis only, subject to such action as may be taken on the application for renewal of license pending before the Commission.

APPLICATIONS RECEIVED

WSPA—Virgil V. Evans, d/b as The Voice of South Carolina,
1420 Spartanburg, S. C.—Modification of construction permit (3-P-B-3039) as modified to extend commencement date from 9-21-34 to 12-21-34, completion date from 12-21-34 to 3-21-35.

NEW—Eugene DeBogory, tr. as Tem-Bel Broadcasting Co., Temple,
1310 Tex.—Construction permit for new station on **1310 kc.,** 100 watts power, daytime. Studio, Local Hotel, Temple, Tex.; transmitter, Belton Highway, Temple, Tex. Amended re equipment, and transmitter site to be determined, Temple, Texas.

NEW—James R. Doss, Jr., Decatur, Ala.—Construction permit for
1370 new station on **1370 kc.,** 100 watts, daytime.

NEW—Denton Broadcasting Co., Eugene DeBogory, owner, Den-
1420 ton, Tex.—Construction permit for new station on **1420 kc.,** 100 watts, daytime. Amended re equipment and transmitter site.

KGEK—Elmer G. Beehler, Sterling, Colo.—License to cover con-
1200 struction permit (B5-P-16) to make changes in equipment and move transmitter and studio.

KRKD—Radio Broadcasters, Inc., Los Angeles, Calif.—Modifica-
1120 tion of license to increase day power from 500 watts to 1 KW.

KXA—Ward Walker, Seattle, Wash.—Involuntary assignment of
760 license from American Radio Telephone Co. to Ward Walker.

NEW—Norman Storm, Centralia, Wash.—Construction permit for
1500 new station on **1500 kc.,** 100 watts, unlimited. Amended: Change hours of operation to daytime.

KNEI—Oregonian Broadcasting Co., Mobile.—Modification of construction permit to extend date of commencement to 1-1-35, completion to 7-1-35. Broadcast pickup.

APPLICATIONS RETURNED

NEW—Hartford Broadcasting Co., Inc., Hartford, Conn.—Construction permit for new station on **1200 kc.,** 100 watts, unlimited. (Incomplete re equipment.)

WBAL—The WBAL Broadcasting Co., Baltimore, Md.—Voluntary assignment of license to American Radio News Corp. (Superseded by B1-TC-2.)

NEW—Herbert A. Folsom, Augusta, Maine.—Construction permit for new station on **1370 kc.,** 100 watts, unlimited. (No answer to our correspondence.)

NEW—Brothers & England, Mansfield, Ohio.—Construction permit for new station on **1370 kc.,** 100 watts, unlimited; amended to **1300 kc.,** 250 watts. (Returned at applicant's request. Superseding application.)

WGBI—Scranton Broadcasters, Inc., Scranton, Pa.—Construction permit to move transmitter amended: omit request for move, ask to install new equipment, increase power from 250 to 1 KW day and night. (Request.)

WPTF—WPTF Radio Co., Raleigh, N. C.—Extension of special experimental authorization to operate until 8 p. m., PST, period ending 8-1-35, on 1 KW. (Signature.)

WPTF—WPTF Radio Co., Raleigh, N. C.—Modification of special experimental authority to increase power from 1 KW to 5 KW, period ending 2-1-35. (Signature.)

NEW—G. L. Burns Brady, Tex.—Construction permit for new station on **1500 kc.,** 100 watts, unlimited. Amended: requests **1210 kc.,** 100 watts, 250 watts, daytime, limited hours of operation. (Hours of operation.)

WDZ—James L. Bush, Tuscola, Ill.—Modification of license to change frequency from **1070 kc.** to **1020 kc.** on removal of KYW to Philadelphia, Pa. (Repetition of applications.)

NEW—Northern California Amusement Co., Inc., Yreka, Calif.—Construction permit for new station on **1500 kc.,** 100 watts, unlimited. (Wrong form.)

NEW—Robert Vern Andrews, Seward, Alaska.—Construction permit for new station on **1000 kc.,** 100 watts, limited. Amended: Change frequency to **900 kc.** (Equipment and frequency.)